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OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-8403

In re Application of	:	
MARTÍ SENDRA, Javier et al.	:	
Application No.: 12/812,340	:	
PCT No.: PCT/ES2008/000772	:	
Int. Filing Date: 10 December 2008	:	DECISION
Priority Date: 11 December 2007	:	
Att. Docket No.: P/495-185 (V 16175)	:	
For: PHOTONIC CELL CONTROL ...	:	
TRANSMITTERS/RECEIVERS	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 06 August 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



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**APR 29 2011**

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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

**PCT LEGAL ADMINISTRATION**

In re Application of:	:	
SCHROTER, Klaus	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/812,344	:	37 CFR 1.182
PCT No.: PCT/AT2009/000004	:	
International Filing Date: 09 January 2009	:	
Priority Date: 09 January 2008	:	
Attorney's Docket No.: ABP 3.3-075	:	
For: BIOMETRIC SECURITY DEVICE	:	

This decision is issued in response to the "Petition Under 37 C.F.R. § 1.182 For Relief Not Otherwise Provided For Under The Rules – To Correct A Declaration" filed 02 March 2011. Applicant has paid \$130 as the petition fee; however, the applicable petition fee for a petition under 37 CFR 1.182 is \$400. Pursuant to the authorization contained in the petition, Deposit Account No. 12-1095 will be charged the additional \$270 required to complete the petition fee.

**BACKGROUND**

On 09 January 2008, applicant filed international application PCT/AT2009/000004. The international application claimed priority to Austrian application A 30/2008, filed on 09 January 2008, and it designated the United States. On 16 July 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 09 July 2010.

On 09 July 2010, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS).

On 04 August 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, an English translation of the international application, the surcharge and processing fee for filing these materials later than thirty months after the priority date, and payment of the search and examination fees.

On 03 December 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee).



On 17 September 2010, the DO/EO/US issued a filing receipt and a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c), including an acceptable declaration, were submitted as of 03 December 2010.

On 09 March 2011, applicant filed the petition under 37 CFR 1.182 considered herein. The petition requests the Office to accept a correction to the foreign priority claim set forth in the declaration filed on 03 December 2010.

### **DISCUSSION**

International application PCT/AT2009/00004 claims priority to Austrian application A 30/2008, filed on 09 January 2008. In the present national stage application, the foreign priority claim directed to Austrian application A 30/2008 was properly presented in the ADS filed by applicant on 09 July 2010, and this foreign priority claim is included on the filing receipt mailed on 25 January 2011.

The first page of the two-page declaration filed by applicants on 03 December 2010 incorrectly identified the foreign priority application as a German application. In the present petition, applicant asserts that this error was the result of a typographical error and requests that the Office accept a revised first page of the declaration in which the priority claim has been corrected. The submission did not include a re-executed second page of the declaration.

MPEP section 602.01 states the following (emphasis added):

**The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed.** If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required. However, in some cases, a deficiency in the oath or declaration can be corrected by a supplemental paper such as an application data sheet (see 37 CFR 1.76 and MPEP § 601.05) and a new oath or declaration is not necessary.

In view of the above, applicant's present petition, which requests that the Office accept a post-execution modification to the priority claim set forth in the declaration filed on 03 December 2010, is appropriately dismissed. In order to correct the error in the priority claim set forth in the filed declaration, applicant must submit a supplemental ADS or a newly-executed supplemental declaration in which the foreign priority claim is properly presented.

It is noted that, despite the error in the priority claim, the declaration filed on 03 December 2010 satisfies the requirements of 37 CFR 1.497(a) and (b) and therefore was properly accepted under 35 U.S.C. 371(c)(4). See 37 CFR 1.497(c).

### **CONCLUSION**

Applicant's petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

A supplemental oath or declaration (37 CFR 1.67) or supplemental application data sheet (37 CFR 1.76(c)) is required to correct the error in the foreign priority claim contained in the declaration filed on 03 December 2010.

This application is being referred to Group Art Unit 2612 for examination.

/RichardMRoss/

Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296



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WASHINGTON DC 20005-4051

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**MAR 28 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of:  
FOWLER et al.  
Application No.: 12/812,372  
PCT No.: PCT/GB2009/000076  
Int. Filing Date: 12 January 2009  
Priority Date: 11 January 2008  
Attorney Docket No.: 000487.00098  
For: FURNITURE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 26 January 2011 to accept the application without the signature of joint-inventor, Alexander James Aiden Forsyth.

**BACKGROUND**

On 12 January 2009, applicants filed international application PCT/GB2009/000076 which claimed a priority date of 11 January 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 July 2010.

On 09 July 2010, applicants filed a request for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 28 July 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 26 January 2011, applicants filed the present petition under 37 CFR 1.47(a) and four-month extension of time.

**DISCUSSION**

Applicants claim that co-inventor Alexander James Aiden Forsyth refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor via electronic mail. The documents provided to Alexander James Aiden Forsyth included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Alexander James Aiden Forsyth). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Alexander James Aiden Forsyth under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298



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Alexander James Aiden Forsyth  
First Floor Flat  
167 Coronation Road  
Southville, Bristol  
BS20 7RT Great Britain

**MAILED**

**MAR 28 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of:  
FOWLER et al.  
Application No.: 12/812,372  
PCT No.: PCT/GB2009/000076  
Int. Filing Date: 12 January 2009  
Priority Date: 11 January 2008  
Attorney Docket No.: 000487.00098  
For: FURNITURE

Dear Alexander James Aiden Forsyth:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298  
Facsimile: (571) 273-0459

Counsel of Record:  
Banner & Witcoff, Ltd.  
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Washington, DC 20005-4051



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Alexandria VA 22314

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MAR 07 2011

**PCT LEGAL ADMINISTRATION**

In re Application of	:	
Gonzalez	:	
Application No.: 12/812,386	:	DECISION
PCT No.: PCT/US2009/000182	:	
Int. Filing Date: 12 January 2009	:	ON
Priority Date: 11 January 2008	:	
Attorney Docket No.: 29044U	:	PETITION
For: Container Top Having Sealable Chamber For The	:	
Storing And Mixing Of Two Or More Substances	:	

This is in response to the petition under 37 CFR 1.47(b) filed on 04 January 2011.

**BACKGROUND**

This international application was filed on 12 January 2009, claimed an earlier priority date of 11 January 2008, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 July 2010. Applicants filed *inter alia* the basic national fee on 09 July 2010.

On 04 August 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b), and a surcharge under 37 CFR 1.492(h).

**DISCUSSION**

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known addresses of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding requirement (1), petitioner has paid the \$200.00 petition fee.

Regarding requirement (2), petitioner has provided a copy of a letter sent by Atty. Meyer to Mr. Gonzalez on 20 August 2010. The letter indicates that copies of the application and the declaration are being enclosed for the inventor's review and execution, and petitioner describes the transmission of this letter to Mr. Gonzalez. Petitioner has also provided a copy of an email from "Silvia on behalf of Marcos," indicating that "the documents are currently being reviewed by our attorney." Petitioner describes this email as originating from "Silvia Marcos (the inventors' wife)." Based on the totality of the evidence now of record, it would be reasonable to construe the inventor's failure to return an executed declaration as a "refusal" within the meaning of 37 CFR 1.47(b).

Regarding requirement (3), the petition includes an explicit statement of the inventor's last known address.

Concerning requirement (4), the petition is not accompanied by a declaration signed on behalf of the inventor by a 37 CFR 1.47(b) applicant. Rather, the declaration of record is unsigned.

Regarding requirement (5), the petition is accompanied by a statement under 37 CFR 3.73(b) which identifies the reel and frame numbers where an assignment is recorded. However, said assignment is directed toward application no. 61/006,412, not the instant application. As such, the petition is not accompanied by adequate proof of sufficient proprietary interest in a 37 CFR 1.47(b) applicant. *See* MPEP 409.03(f). Therefore, requirement (5) has not been satisfied at this time.

Regarding requirement (6), the petition states that the purpose of the petition is "to avoid further delay and extension of time fees," but does not include an explicit showing (or statement) that according the application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage.

#### **DECISION**

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283





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**PCT LEGAL ADMINISTRATION**

In re Application of	:	
Gonzalez	:	
Application No.: 12/812,386	:	DECISION
PCT No.: PCT/US2009/000182	:	
Int. Filing Date: 12 January 2009	:	ON
Priority Date: 11 January 2008	:	
Attorney Docket No.: 29044U	:	PETITION
For: Container Top Having Sealable Chamber For The	:	
Storing And Mixing Of Two Or More Substances	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 09 May 2011.

**DISCUSSION**

In a Decision mailed on 07 March 2011, the petition under 37 CFR 1.47(b) filed on 04 January 2011 was dismissed, without prejudice, because requirements (4), (5) and (6) had not been satisfied.

With respect to requirement (4), the declaration filed on 09 May 2011 is acceptable.

Regarding requirement (5), upon reconsideration of the facts in view of petitioner's statements, including the statement that the "instant application contains only subject matter from the provisional application," it now would be appropriate to consider requirement (5) to have been satisfied.

Regarding requirement (6), the renewed petition includes an explicit statement that according the application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage.

**DECISION**

The petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **09 May 2011**.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283



UNITED STATES PATENT AND TRADEMARK OFFICE

Marcos Gonzalez  
14950 SW 20<sup>th</sup> Street  
Davie, FL 33326-2020

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**DEC 14 2011**

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In re Application of  
Gonzalez  
Application No.: 12/812,386  
PCT No.: PCT/US2009/000182  
Int. Filing Date: 12 January 2009  
Priority Date: 11 January 2008  
Attorney Docket No.: 29044U  
For: Container Top Having Sealable  
Chamber For The Storing And  
Mixing Of Two Or More Substances

Dear Mr. Gonzales:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,403	07/09/2010	Hyung Jo Park	10694.050.00	6844
30827 7590 09/09/2010 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
EXAMINER				
ART UNIT PAPER NUMBER				
2811				
MAIL DATE DELIVERY MODE				
09/09/2010 PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**In re Application of**  
**Hyung Jo PARK**  
**Application No.: 12/812,403**  
**Filed: 09 July 2010**  
**Attorney Docket No.: 10694.050.00**  
**For: LIGHT-EMITTING ELEMENT**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 09 July 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, and 4-6 above are considered to have been met.

However the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 1, the petition lists PCT/KR2009/002447 as being relied upon for the basis the PPH program but translations have been provided for the claims of 10-2008-0042602 and the Notice of Allowance. It is assumed that the latter applicaiton is being relied upon.

Regarding requirement 3, applicant has not amended the claims of the instant U.S. application to sufficiently correspond to the allowable/patentable claims of the Korean application. For example, claim 7 of the KIPO application recites forming a mask on the first conductive type semiconductor layer ... while claim 22 of the instant application recites forming a mask on a stacked structure .... These limitations do not sufficiently correspond.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,403	07/09/2010	Hyung Jo Park	10694.050.00	6844
30827 7590 11/08/2010 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER TRAN, MINH LOAN	
			ART UNIT 2826	PAPER NUMBER
			MAIL DATE 11/08/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**MCKENNA LONG & ALDRIDGE LLP**  
**1900 K STREET, NW**  
**WASHINGTON DC 20006**

**In re Application of**  
**Hyung Jo PARK**  
**Application No.: 12/812,403**  
**Filed: 09 July 2010**  
**Attorney Docket No.: 10694.050.00**  
**For: LIGHT-EMITTING ELEMENT**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 09 July 2010 and renewed on 06 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application



- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
  - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.



Lee W. Young

TQAS

Technology Center 2800 – Semiconductors

Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,422	07/09/2010	Steven L. Cooper	TTEUS06009 / THMT-0110	6987
7590 06/17/2011 FLETCHER YODER P.C. 7915 FM 1960 RD. WEST SUITE 330 HOUSTON, TX 77070			EXAMINER KOENIG, ANDREW Y	
			ART UNIT	PAPER NUMBER
			2423	
			MAIL DATE	DELIVERY MODE
			06/17/2011	PAPER

**DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Farmer*  
Patent Publication Branch  
Office of Data Management



United States Patent and Trademark Office

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In re Application of	:	
Akolkar et al.	:	
Application No.: 12/812,436	:	DECISION
PCT No.: PCT/IN2009/000029	:	
Int. Filing Date: 09 January 2009	:	ON
Priority Date: 10 January 2008	:	
Attorney Docket No.: 2867.009US1	:	PETITION
For: Novel Derivatives Of Acyl Cyanopyrrolidines	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 04 January 2011.

### **BACKGROUND**

This international application was filed on 09 January 2009, claimed an earlier priority date of 10 January 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 24 September 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 July 2010 (since 10 July 2010 was a Saturday). Applicants filed *inter alia* the basic national fee on 09 July 2010.

On 04 August 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

### **DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the \$200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided statements by Monique M. Erdok Shonka and by Sandra Newman, along with supporting documentation. The Shonka statement is made at least in part on the basis of "information and belief," so it is not clearly based on first-hand knowledge of the facts recounted; instead, it is largely a description of communications between Newman and Sharma. Meanwhile, the Newman statement recounts communications with other individuals (notably Vikas Sharma), and describes Sharma's efforts to obtain inventor Jivani's execution of the application. However, petitioner has not provide a first-hand statement by Vikas Sharma (nor by Shantilal Triveda, who signed several of the accompanying letters) describing what efforts were made to present the non-signing inventor with a copy of the application papers and an oath or declaration for signature. As such, it would not be appropriate at this time to construe Jivani's failure to return an executed declaration as a refusal within the

meaning of 37 CFR 1.47(a). To the extent that certain of the return receipts suggest that Jivani may have moved, petitioner does not provide an adequate showing as to whether the inventor could be found or reached after diligent effort. *See* MPEP 409.03(d).

Regarding **requirement (3)**, the petition states the last known address of inventor Jivani.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 04 January 2011 reveals that it satisfies this requirement.

### **DECISION**

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283



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In re Application of	:	
Akolkar et al.	:	
Application No.: 12/812,436	:	DECISION
PCT No.: PCT/IN2009/000029	:	
Int. Filing Date: 09 January 2009	:	ON
Priority Date: 10 January 2008	:	
Attorney Docket No.: 2867.009US1	:	PETITION
For: Novel Derivatives Of Acyl Cyanopyrrolidines	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed 29 August 2011.

**DISCUSSION**

In a Decision mailed on 29 March 2011, the petition under 37 CFR 1.47(a) filed on 04 January 2011 was dismissed, without prejudice, because

Regarding **requirement (2)**, petitioner has provided statements by Monique M. Erdok Shonka and by Sandra Newman, along with supporting documentation. The Shonka statement is made at least in part on the basis of "information and belief," so it is not clearly based on first-hand knowledge of the facts recounted; instead, it is largely a description of communications between Newman and Sharma. Meanwhile, the Newman statement recounts communications with other individuals (notably Vikas Sharma), and describes Sharma's efforts to obtain inventor Jivani's execution of the application. However, petitioner has not provide a first-hand statement by Vikas Sharma (nor by Shantilal Triveda, who signed several of the accompanying letters) describing what efforts were made to present the non-signing inventor with a copy of the application papers and an oath or declaration for signature. As such, it would not be appropriate at this time to construe Jivani's failure to return an executed declaration as a refusal within the meaning of 37 CFR 1.47(a). To the extent that certain of the return receipts suggest that Jivani may have moved, petitioner does not provide an adequate showing as to whether the inventor could be found or reached after diligent effort. See MPEP 409.03(d).

In response, petitioner has provided an adequate showing that Jignesh Jivani is unavailable to execute the application within the meaning of 37 CFR 1.47(a). As such, it now would be appropriate to grant the requested relief.

**DECISION**

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 January 2011**.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283



UNITED STATES PATENT AND TRADEMARK OFFICE

Jignesh Kantilal Jivani  
Jignesh, Gopar Najar 10  
Rajkot-2  
INDIA

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In re Application of  
Akolkar et al.  
Application No.: 12/812,436  
PCT No.: PCT/IN2009/000029  
Int. Filing Date: 09 January 2009  
Priority Date: 10 January 2008  
Attorney Docket No.: 2867.009US1  
For: Novel Derivatives Of Acyl Cyanopyrrolidines

Dear Mr. Jivani:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283

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TROUTMAN SANDERS LLP  
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600 PEACHTREE STREET, N.E.  
SUITE 5200  
ATLANTA GA 30308-2216

In re Application of	:	
DOFP, Anthony R., et al.	:	
Application No.: 12/812,440	:	DECISION
PCT No.: PCT/CA2009/000025	:	
Int. Filing Date: 09 January 2009	:	ON PETITION UNDER
Priority Date: 11 January 2008	:	
Docket No.: SBERG1	:	37 CFR 1.47(a)
For: ELECTROMAGNETIC TELEMETRY	:	
ASSEMBLY WITH PROTECTED	:	
ANTENNA	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 27 February 2011.

**BACKGROUND**

On 02 August 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 February 2011, applicants filed a petition under 37 CFR 1.47(a), a declaration and the fee for five month extension of time.

**DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. The petition fee has been paid. Applicant states the last known address of Mr. Garry Holmen as 189 McKenzie Town Drive SE; Calgary AB T2Z 4P8; Canada.

Item (2) has not been satisfied. Where a refusal of the inventor to sign the application



papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. MPEP 409.03(d). "Canadian Counsel" presented them, but the statements are from Ryan Schneider.

Further, to the extent that the inventor objects to signing a power of attorney, only signature on the declaration is required. The inventor does not have to authorize another to represent him. Finally, the inventor indicates that the time line for reviewing the documents is insufficient. Ordinarily, a "reasonable" time period is considered one month. The original letter was only delivered to the inventor 04 February 2011, which means insufficient time for review was permitted. Further, the inventor indicated he was out of the country. Temporary unavailability does not establish lack of cooperation.

Item (4) has not been satisfied. The declaration contains two pages 1 of 2 and one page 2 of 2. The complete copy of the declaration as executed by the inventors must be returned to the Office.

#### **CONCLUSION**

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



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**PCT LEGAL ADMINISTRATION**

TROUTMAN SANDERS LLP  
5200 BANK OF AMERICA PLAZA  
600 PEACHTREE STREET, N.E.  
SUITE 5200  
ATLANTA GA 30308-2216

In re Application of	:	
DOFP, Anthony R., et al.	:	
Application No.: 12/812,440	:	DECISION
PCT No.: PCT/CA2009/000025	:	
Int. Filing Date: 09 January 2009	:	ON PETITION UNDER
Priority Date: 11 January 2008	:	
Docket No.: SBERG1	:	37 CFR 1.47(a)
For: ELECTROMAGNETIC TELEMETRY	:	
ASSEMBLY WITH PROTECTED	:	
ANTENNA	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a) and Submission of Executed Declaration, filed in the United States Patent and Trademark Office (USPTO) on 01 July 2011 and 22 July 2011, respectively.

**BACKGROUND**

On 02 May 2011, the Office mailed Decision On Petition Under 37 CFR 1.42, dismissing applicants' petition without prejudice.

On 01 July 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

On 22 July 2011, applicants filed a declaration executed by the previously non-signing inventor.

**DISCUSSION**

As applicants have obtained the cooperation of the previously non-signing inventors, this petition under 37 CFR 1.47(a) is moot. The 22 July 2011 declaration complies with 37 CFR 1.497(a)-(b).

**CONCLUSION**

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

Application No. 12/812,440

-2-

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

03 AUG 2010

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VIKSINNS HARRIS & PADYS PLLP  
P.O. BOX 111098  
ST. PAUL MN 55111-1098

In re Application of :  
BLAKE, et al. :  
Application No.: 12/812,447 :  
PCT No.: PCT/US2009/030443 : DECISION ON PETITION  
Int. Filing Date: 08 January 2009 :  
Priority Date: 08 January 2008 : UNDER 37 CFR 1.137(b)  
Atty. Docket No.: 02020.052US1 :  
For: PYRROLOPYRIDINES AS KINASE INHIBITORS:

The petition to revive under 37 CFR 1.137(b) filed 09 July 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2010

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ARC PATENTS  
7910 IVANHOE AVE. #325  
LA JOLLA, CA 92037

In re Application of BRIGHT  
U.S. Application No.: 12/812,488  
PCT Application No.: PCT/AU2008/001834  
Int. Filing Date: 12 December 2008  
Priority Date Claimed: 12 December 2007  
Attorney Docket No.: 1075-P0012  
For: NUTRACEUTICAL COMPOSITION AND  
METHODS OF USE

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 12 July 2010.

**BACKGROUND**

On 12 December 2008, applicant filed international application PCT/AU2008/001834, which claimed priority of an earlier Australia application filed 12 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 June 2009. The thirty-month period for paying the basic national fee in the United States expired on 14 June 2010.

On 15 June 2010, international application PCT/AU2008/001834 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 July 2010, applicant filed the present petition under 37 CFR 1.137(b).

**DISCUSSION**

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

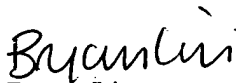
With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 July 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459



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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

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NOV 19 2010

**PCT LEGAL ADMINISTRATION**

In re Application of BINZER et al :  
U.S. Application No.: 12/812,528 :  
PCT Application No.: PCT/EP2008/067901 :  
Int. Filing Date: 18 December 2008 :  
Priority Date Claimed: 16 January 2008 :  
Attorney Docket No.: 10191/6315 :  
For: MONOSTATIC MULTIBEAM RADAR :  
SENSOR DEVICE FOR MOTOR VEHICLE :

DECISION

This is in response to applicant's correspondence filed 04 October 2010, which is being treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

On 18 December 2008, applicant filed international application PCT/EP2008/067901, which claimed priority of an earlier Germany application filed 16 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 16 July 2010.

On 12 July 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 October 2010, applicant filed the instant request for status under 37 CFR 1.42.

**DISCUSSION**

The declaration states that joint inventor Joachim Hauk is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration executed by the legal representatives of inventor Hauk fails to state the name and citizenship of inventors Thomas Binzer and Dirk Steinbuch as required by 37 CFR 1.497(a)(3).

### CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

**MAILED**

**MAR 30 2011**

PCT LEGAL ADMINISTRATION

In re Application of BINZER et al	:	
U.S. Application No.: 12/812,528	:	
PCT Application No.: PCT/EP2008/067901	:	
Int. Filing Date: 18 December 2008	:	DECISION
Priority Date Claimed: 16 January 2008	:	
Attorney Docket No.: 10191/6315	:	
For: MONOSTATIC MULTIBEAM RADAR	:	
SENSOR DEVICE FOR MOTOR VEHICLE	:	

This is in response to applicant's renewed request for status under 37 CFR 1.42.

**BACKGROUND**

On 18 December 2008, applicant filed international application PCT/EP2008/067901, which claimed priority of an earlier Germany application filed 16 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 16 July 2010.

On 12 July 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 October 2010, applicant filed a request for status under 37 CFR 1.42.

On 19 November 2010, this Office mailed a decision dismissing the 04 October 2010 request for status.

On 28 January 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

### DISCUSSION

The declaration states that joint inventor Joachim Hauk is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 28 January 2011 is improper. Specifically, it is not acceptable to combine pages of different declarations into a single document for submission. It is clear from a comparison of the execution dates of declarations filed on 04 December 2011 and 28 January 2011 that the declaration filed 28 January 2011 was improperly formed by combining pages 1-5 of the 04 December 2011 declaration executed by inventors Binzer and Steinbuch with page 5 of the 04 December 2011 declaration executed by the legal representatives of inventor Hauk. Applicant must furnish the complete declaration that was presented to and executed by the legal representatives of inventor Hauk.

### CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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www.uspto.gov

KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

**MAILED**

**JUL 13 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of BINZER et al	:	
U.S. Application No.: 12/812,528	:	
PCT Application No.: PCT/EP2008/067901	:	
Int. Filing Date: 18 December 2008	:	DECISION
Priority Date Claimed: 16 January 2008	:	
Attorney Docket No.: 10191/6315	:	
For: MONOSTATIC MULTIBEAM RADAR	:	
SENSOR DEVICE FOR MOTOR VEHICLE	:	

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed 18 May 2011.

**BACKGROUND**

On 18 December 2008, applicant filed international application PCT/EP2008/067901, which claimed priority of an earlier Germany application filed 16 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 16 July 2010.

On 12 July 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 October 2010, applicant filed a request for status under 37 CFR 1.42.

On 19 November 2010, this Office mailed a decision dismissing the 04 October 2010 request for status.

On 28 January 2010, applicant filed a renewed request for status under 37 CFR 1.42.

On 30 March 2011, this Office mailed a decision dismissing the 28 January 2010 request for status.

On 18 May 2011, applicant filed the instant renewed request for status under 37 CFR 1.42.

### DISCUSSION

The declaration states that joint inventor Joachim Hauk is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 18 May 2011 is in compliance with 37 CFR 1.42 and 1.497(d).

### CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 May 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

  
Bryan Lin  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459

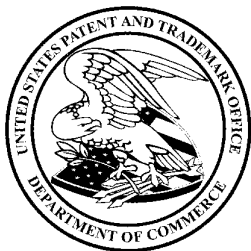
<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12812553	
Filing Date	16-Aug-2010	
First Named Inventor	Gregory Buckner	
Art Unit	3747	
Examiner Name		
Attorney Docket Number	1096-08-009-US1	
Title	FUEL INJECTION DEVICE FOR AN INTERNAL COMBUSTION ENGINE, AND ASSOCIATED METHOD	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">75499</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	North Carolina State University	
Address	Campus Box 8210	
City	Raleigh	
State	NC	
Postal Code	27695	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Christopher B. Lee/
-----------	----------------------

Name	Christopher B. Lee
------	--------------------

Registration Number	58793
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : July 15,2011

In re Application of :

Gregory Buckner

Application No : 12812553

Filed : 16-Aug-2010

Attorney Docket No : 1096-08-009-US1

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 15,2011

The request is **APPROVED**.

The request was signed by Christopher B. Lee (registration no. 58793 ) on behalf of all attorneys/agents associated with Customer Number 75499 . All attorneys/agents associated with Customer Number 75499 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name North Carolina State University

Name2

Address 1 Campus Box 8210

Address 2

City Raleigh

State NC

Postal Code 27695

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

- 9 SEP 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MICHAEL P. MORRIS  
BOEHRINGER INGELHEIM USA CORPORATION  
900 RIDGEBURY RD  
P O BOX 368  
RIDGEFIELD CT 06877-0368

In re Application of	:	
VAUGHN, Eric, et al.	:	
Application No.: 12/812,590	:	DECISION
PCT No.: PCT/US2008/088678	:	
Int. Filing Date: 31 December 2008	:	ON PETITION UNDER
Priority Date: 31 December 2007	:	
Docket No.: 10-0079/US/4	:	37 CFR 1.137(b)
For: PCV2 ORF2 VIRUS LIKE PARTICLE	:	
WITH FOREIGN AMINO ACID	:	
INSERTION	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 12 July 2010 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The surcharge for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 50-1662, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292





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Reches Patents  
211 North Union St.  
Suite 100  
Alexandria VA 22314

**MAILED**

**DEC 21 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
SHARVIT et al. :  
Application No.: 12/812,602 :  
PCT No.: PCT/IL2008/001616 :  
Int. Filing Date: 17 December 2008 :  
Priority Date: 22 January 2008 :  
Attorney Docket No.: P-8141-US :  
For: DRUG PORT VERIFICATION VALVE

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 November 2011 in the above-captioned application is hereby GRANTED as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the required reply (declaration, search fee, examination fee and surcharge under 37 CFR 1.492(h)) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing in accordance with this decision.

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3298  
Facsimile: (571) 273-0459

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/812,616	Filing date:	July 13, 2010
First Named Inventor:	Andreas FLACHENECKER		

Title of the  
Invention: Reinforced Hose

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:**  
PCT/EP2008/067835

**The international date of the corresponding  
PCT application(s) is/are:** December 18, 2008

**I. List of Required Documents:**

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- ☒ Is attached
- ☐ Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- ☐ Is attached.
- ☒ Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

Application No.:	12/812,616
------------------	------------

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒ Has already been filed in the above-identified U.S. application on September 14, 2010

☒ Have already been filed in the above-identified U.S. application on September 14, 2010

[illegible]

Signature /Sarah Lhymn/

Date September 24, 2010

Name (Print/Typed) Sarah Lhymn for William P. Berridge

Registration Number 65,041

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# PATENT COOPERATION TREATY

PCT/EP2008/067835

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

OBERLEIN, Gerriet  
CPW GmbH  
Kasinostrasse 19-21  
42103 Wuppertal  
ALLEMAGNE

LAD	HEI	OBE	SCR	REI
CPW GmbH		24. AUG. 2010		
BUL				ULR
DK		UF	SV	

IMPORTANT NOTIFICATION

Date of mailing (day/month/year) 19 August 2010 (19.08.2010)	
Applicant's or agent's file reference CPD 2744 WO1	
International application No. PCT/EP2008/067835	International filing date (day/month/year) 18 December 2008 (18.12.2008)
Applicant POLYAMIDE HIGH PERFORMANCE GMBH et al	

### 1. Transmittal of the translation to the applicant.

- ☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- ☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

### 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

### 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Yolaine Cussac
Facsimile No. +41 22 338 82 70	e-mail: pt05.pct@wipo.int

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference CPD 2744 WO1	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/EP2008/067835	International filing date ( <i>day/month/year</i> ) 18 December 2008 (18.12.2008)	Priority date ( <i>day/month/year</i> ) 23 January 2008 (23.01.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant POLYAMIDE HIGH PERFORMANCE GMBH		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 65%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input type="checkbox"/>	Box No. II	Priority																							
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																							
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
<input type="checkbox"/>	Box No. VI	Certain documents cited																							
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 10 August 2010 (10.08.2010)</p> <p>Authorized officer  <b>Yolaine Cussac</b></p> <p>e-mail: pt05.pct@wipo.int</p>
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# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference  
**CPD 2744 WO1**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/EP2008/067835**

International filing date (day/month/year)  
**18.12.2008**

Priority date (day/month/year)  
**23.01.2008**

International Patent Classification (IPC) or both national classification and IPC  
**B32B1/08 B32B25/02 B32B25/10 F01P11/04 F16L11/08 B29C47/02**

Applicant  
**POLYAMIDE HIGH PERFORMANCE GMBH**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2008/067835

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/EP2008/067835

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO
2. Citations and explanations:			
<p>1     Reference is made to the following documents, in particular to the <u>passages of text</u> in these documents that are listed in the search report:</p> <p style="margin-left: 40px;">D1: DE 101 40 774 A1</p> <p style="margin-left: 40px;">D2: US 5 372 163 A</p> <p style="margin-left: 40px;">D3: DE 20 63 641 A1</p> <p>2     Document <b>D1</b> is considered to be the closest prior art and discloses a hose comprising an inner layer (11) of an elastomeric material, a reinforcing layer (12) of a textile knit applied to said inner layer and an outer layer (13) of an elastomeric material, wherein the textile knit of the reinforcing layer (12) consists of a polyethylene naphthalate (PEN) yarn,</p> <p style="margin-left: 40px;">from which the subject matter of independent claim 1 differs in that the fibres of the textile reinforcement consist of an aliphatic polyamide which has a hot air shrinkage of less than 2.5%.</p>			

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2008/067835

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

2.1 The subject matter of claim 1 is therefore novel  
(PCT Article 33(2)).

The problem addressed by the present invention can therefore be considered that of providing a hose which has improved hydrolysis resistance of its textile reinforcement and which has a more uniform surface than known low-shrinkage aliphatic polyamide yarns (page 2, paragraph beginning "the problem addressed by the present invention..."; page 3, paragraphs 3 and 4).

2.2 The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)) for the following reasons: the use of aliphatic polyamide fibres with a hot air shrinkage less than 2.5% was not suggested to a person skilled in the art by either D2 or D3. Although **D2** discloses hoses with a textile reinforcement (layers 2 and 4) of fibres with a shrinkage of from 0% to 0.5%, these fibres do not consist of an aliphatic polyamide. **D3** gives no indication of the shrinkage of the polyamide fibres that are used. The yarns used in the hoses according to **D1** also have a hot air shrinkage at 180°C/15 min of from 3.5 to 0.8 (paragraph 10), but D1 is exclusively concerned with PEN yarns.

2.3 If claim 1 (product) is regarded as novel and inventive, the subject matter of independent claims 6 (use) and 7 (method) would appear to be novel and inventive.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2008/067835

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.4 Dependent claims 2-5, 8 and 9 likewise meet the requirements of the PCT in respect of novelty and inventive step.



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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,616	12/07/2010	Andreas Flachenecker	146143	9379
25944 7590 04/11/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
04/11/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

In re Application of  
FLACHENECKER, ANDREAS  
Application No. 12/812,616  
Filed: July 13, 2010  
Attorney Docket No. 146143  
For: REINFORCED HOSE

:  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PILOT PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Sep. 24, 2010 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Kevin Shaver, the SPE of Art Unit 3754 and (571)272-4720 for Class 138/118 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/812,670	Filing date:	July 13, 2010
First Named Inventor:	Richard L. Dunn		

Title of the  
Invention: Low Viscosity Liquid Polymeric Delivery System

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2009/030853

**The international date of the corresponding PCT application(s) is/are:** 13.01.2009

### I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/812,670
First Named Inventor:	Richard L. Dunn

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒

Is attached

7

Has already been filed in the above-identified U.S. application on

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☒

Are attached.

9

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <i>/Kristine M. Strodthoff/</i>	Date 2010-10-19
Name (Print/Typed) Kristine M. Strodthoff	Registration Number 34259



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,670	10/19/2010	Richard L. Dunn	DUN-34981-A-A-US	9905
22202 7590 12/27/2010 WHYTE HIRSCHBOECK DUDEK S C INTELLECTUAL PROPERTY DEPARTMENT 555 EAST WELLS STREET, SUITE 1900 MILWAUKEE, WI 53202				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			1614	
			NOTIFICATION DATE	DELIVERY MODE
			12/27/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomailbox@whdlaw.com  
jpolmatier@whdlaw.com



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DEC 23 2010

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

WHYTE HIRSCHBOECK DUDEK S C  
INTELLECTUAL PROPERTY DEPARTMENT  
555 EAST WELLS STREET, SUITE 1900  
MILWAUKEE WI 53202

In re Application of	:	
DUNN, RICHARD L.	:	DECISION ON REQUEST TO
Application No. 12/812,670	:	PARTICIPATE IN PCT-PATENT
Filed: October 19, 2010	:	PROSECUTION HIGHWAY PILOT
Attorney Docket No. DUN-34981-A-A-US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed October 19, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT- PPH Pilot program and petition to make special require:

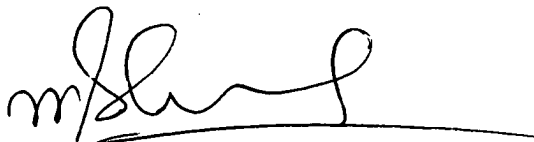
- (1) The U.S. application is a national stage entry of the corresponding EPO PCT application;
- (2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
- (3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s);
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
- (5) Examination of the U.S. application has not begun;
- (6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof; and
- (7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH Pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read 'm/shukla', with a horizontal line extending to the right.

Ram R. Shukla, Ph.D.  
Supervisory Patent Examiner  
TC 1600



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EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

**MAILED**

In re Application of : DECISION ON MAR 11 2011  
Knop et al :  
Application No.: 12/812,671 : PCT LEGAL ADMINISTRATION  
Filed: 13 July 2010 :  
Attorney's Docket No.: 68764(50189) :  
For: RECOMBINANT VIRUS PRODUCTION USING... : PETITION UNDER  
CELLS IN SUSPENSION : UNDER 37 CFR 1.181

This is in response to applicants' submission, "RESPONSE TO NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED," which is being treated as a petition under 37 CFR 1.181 to recognize the application as an application filed under 35 USC 111(a), filed 08 September 2010. The petition requests the above referenced application be treated as a 111(a) because it has been incorrectly treated as a filing under 35 USC 371.

**BACKGROUND**

On 13 July 2005, applicants filed the instant application. The transmittal letter indicated that it is a "Utility patent application" and the specification indicated that it is a continuation application of International Application No: PCT/US2009/000577. However, the "Electronic Acknowledgement Receipt" indicated the application type as a "U.S. National Stage under 35 USC 371."

The application was processed as a filing under 35 U.S.C. § 371 rather than a filing under 35 U.S.C. § 111(a) by USPTO.

On 06 August 2010, the USPTO mailed a "NOTICE OF INSUFFICIENT BASIC NATIONAL FEE..." (FORM PCT/DO/EO/912).

On 08 September 2008, petitioner filed the instant petition to correct the above application filing from an application processed under 35 USC §371 to an application processed under 35 USC §111(a).

### **DISCUSSION**

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c); otherwise the submission will be treated as being filed under 35 U.S.C. 111(a). A conflicting instruction will be treated as a filing under 35 U.S.C. 111(a). Note 37 CFR 1.494(f), 1.495(g) and MPEP 1893.03(a).

A review of the file reveals that 35 U.S.C. 371 processing by the USPTO was improper for this application because it was properly filed as continuation under 35 U.S.C. §111(a). The transmittal letter, and the specification filed with the aforementioned application papers identified the application as a continuation under 35 USC §111(a). Only the "Electronic Acknowledgement Receipt" indicates the application as a "U.S. National Stage under 35 USC 371."

The result of the above application shows that there is a conflicting instruction as to whether the application should be treated as a continuation under 35 USC 111(a) or under 35 USC 371. As a result, the application is treated as a filing under 35 USC 111(a).


Accordingly, it would be appropriate to consider the conversion of the application to an application under 35 U.S.C. 111(a) at this time.

The "Notice of Insufficient Basic National Fee required..." (FORM PCT/DO/EO/912) mailed on 06 August 2010 is **VACATED** with the mailing of this decision.

### **CONCLUSION**

The petition under 37 CFR 1.181 for reasons noted above is **GRANTED**. Application 12/812,671 will be treated as a continuation of international application no.: PCT/US2009/000577 under 35 USC 111(a).

This application is being forward to Initial Processing Division (IPD) for continued processing.



Rafael Bacares  
Legal Examiner  
PCT Legal Office  
Telephone: (571) 272-3276  
Facsimile: (571) 273-0459



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,697	07/13/2010	Keiji Ishibashi	205299-0001 (450815)	1050
55694 7590 08/18/2010 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER	
			ART UNIT	PAPER NUMBER
			2811	
			NOTIFICATION DATE	DELIVERY MODE
			08/18/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBRIPDocket@dbi.com  
penelope.mongelluzzo@dbi.com



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**DRINKER BIDDLE & REATH (DC)**  
**1500 K STREET, N.W.**  
**SUITE 1100**  
**WASHINGTON DC 20005-1209**

**In re Application of**  
**ISHIBASHI et al.**  
**Application No.: 12/812,697**  
**Filed: 13 July 2010**  
**Attorney Docket No.: 205299-0001 (450815)**  
**For: NITRIDE SEMICONDUCTOR**  
**WAFER**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 13 July 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or



- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young  
TQAS  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,707	07/13/2010	William C. Ross	001001.2007-IP-001260	1179
25214	7590	12/29/2010	EXAMINER	
HOWARD L SPEIGHT 9601 Katy Freeway, Suite 280 HOUSTON, TX 77024			ART UNIT	PAPER NUMBER
			2123	
			NOTIFICATION DATE	DELIVERY MODE
			12/29/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

howard@hspeight.com



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HOWARD L SPEIGHT  
9601 Katy Freeway, Suite 280  
HOUSTON TX 77024

In re Application of: William C. ROSS.  
Application No. 12/812,707  
Atty Docket #: 001001.2007-IP-001260  
Filed: July 13, 2010  
For: **HYBRID STRATIGRAPHIC LAYERING  
USING PSEUDO-WHEELER SPACE**

**DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)**

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed November 17, 2010 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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Fennemore Craig  
3003 North Central Avenue  
Suite 2600  
Phoenix, AZ 85012

**MAILED**

**DEC 03 2010**

**PCT LEGAL ADMINISTRATION**

In re Application of: :  
MONSONEGO et al. :  
U.S. Application No.: 12/812,712 :  
PCT Application No.: PCT/IL2009/000066 :  
International Filing Date: 15 January 2009 :  
Priority Date: 16 January 2008 :  
Attorney's Docket No.: 15872.233 :  
For: VACCINE FOR ALZHEIMER'S DISEASE :

**DECISION ON PETITION  
UNDER 37 CFR 1.182**

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" filed 12 November 2010. The petition seeks to correct the bibliographic data for the national stage application papers filed 13 July 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/IL2009/000066.

**BACKGROUND**

On 13 July 2010, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying international application number PCT/IL2009/000066; a preliminary amendment; and an application data sheet.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national PCT/US2009/000066 the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 12 August 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. (The Notification indicated the application as a national stage of PCT/US2009/000066.)

On 12 November 2010, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/IL2009/000066. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter and Application Data Sheet filed 13 July 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 13 July 2010 and to permit such materials to be treated as having been directed to international application PCT/IL2009/000066.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/IL2009/000066.

This application is being forwarded to the United States Designated/Elected Office for further processing.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel.: 571-272-3298



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21 SEP 2010

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MARJAMA MULDOON BLASIAK & SULLIVAN LLP  
250 SOUTH CLINTON STREET  
SUITE 300  
SYRACUSE NY 13202

In re Application of: WARREN, Scott, et al.	:	
U.S. Application No.: 12/812,714	:	
PCT Application No.: PCT/US2009/030860	:	DECISION ON PETITION
International Filing Date: 13 January 2009	:	(37 CFR 1.182)
Priority Date: 14 January 2008	:	
Attorney's Docket No.: 1258_4282US	:	
For: ORDERED POROUS	:	
MESOSTRUCTURED MATERIALS	:	
FROM NANOPARTICLE-BLOCK	:	
COPLOYMER SELF-ASSEMBLY	:	

This decision is issued in response to the "Petition Under 37 CFR § 1.182" filed 07 September 2010. The required petition fee has been paid.

**BACKGROUND**

On 01 September 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 13 July 2010 referenced two different international applications. Specifically, while the application data sheet (ADS) and preliminary amendment filed by applicants referred to international application PCT/US2009/030860, the Form PTO-1390 Transmittal Letter and the information provided by applicant during the electronic filing process identified the international application as PCT/US09/30830.

On 07 September 2010, applicant filed the "Petition Under 37 CFR § 1.182" considered herein.

**DISCUSSION**

The petition confirms that the correct international application number for the present national stage application is PCT/US2009/030860. Applicants note that the correct international application number was listed in several places within the materials filed 13 July 2010, including the ADS and the preliminary amendment. The petition also includes payment of the applicable \$400 petition fee.



The present submission satisfies the requirements for a grantable petition to correct the inadvertent typographical errors in the international application number listed on the Form PTO-1390 and provided during the electronic filing process. Accordingly, the materials filed herein on 13 July 2010, including the payment of the basic national fee, will be treated as having been directed to PCT/US2009/030860. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application, thereby avoiding abandonment of the international application with respect to the United States.

**CONCLUSION**

The "Petition Under 37 CFR § 1.182" is **GRANTED**.

The present application will be treated as the U.S. national stage of PCT/US2009/030860.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905). It is noted that applicant has not submitted an oath or declaration in compliance with 37 CFR 1.497.



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459



31 AUG 2010

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LAW OFFICES OF ERIC KARICH  
2807 ST. MARK DR.  
MANSFIELD TX 76063

In re Application of	:	DECISION ON
VAN STRIEN, Adrianus Cornelis	:	
Application No.: 12/812,721	:	
PCT No.: PCT/NL2008/050790	:	
Int. Filing Date: 10 December 2008	:	PETITION UNDER
Priority Date: 10 December 2007	:	
Attorney's Docket No.: 0585-42UA	:	
For: WELDING METHOD... MOTOR VEHICLES	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 13 July 2010.

### **BACKGROUND**

On 10 December 2008, this international application was filed, claiming an earliest priority date of 10 December 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 10 June 2010. This international application became abandoned with respect to the United States at midnight on 10 June 2010 for failure to pay the required basic national fee.

On 13 July 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares  
PCT Legal Examiner  
PCT Legal Office  
Telephone: (571) 272-3276  
Facsimile: (571) 273-0459

31 AUG 2010



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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON DC 20037

In re Application of	:	DECISION ON
ZHOU	:	
Application No.: 12/ 812,731	:	
PCT No.: PCT/CN2008/070438	:	
Int. Filing Date: 07 March 2008	:	PETITION UNDER
Priority Date: 07 March 2007	:	
Attorney's Docket No.: Q119526	:	
For: TRANSGENIC RODENTS... MUTANT PROTEINS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 13 July 2010.

**BACKGROUND**

On 07 March 2008, this international application was filed, claiming an earliest priority date of 07 March 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 7 September 2009. This international application became abandoned with respect to the United States at midnight on 7 September 2009 for failure to pay the required basic national fee.

On 13 July 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, a declaration, and the petition fee.

**DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacarés

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459

# **REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO**

Application No:	12/812,799	Filing date:	07/14/2010
-----------------	------------	--------------	------------

First Named Inventor:	Maureen L. Mulvihill
-----------------------	----------------------

Title of the Invention:	Transdermal Micro-Patch
----------------------------	-------------------------

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFSC\\_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2009/034038

**The international date of the corresponding PCT application(s) is/are:** 02/13/2009

## **I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/812,799
------------------	------------

First Named Inventor:	Maureen L. Mulvihill
-----------------------	----------------------

- ☐ WORK, NO  
is attached


07/14/2010

- ☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- ☐ Are attached.

07/14/2010

[illegible]

Signature		Date	08/24/2010
Name (Print/Typed)	Michael G. Crilly, Esquire	Registration Number	44,631

## CLAIMS

PCT APPLICATION NO. PCT/US2009/034038

Claims indicated as having novelty, inventive step, and industrial applicability

1. A transdermal micro-patch for use on a living tissue comprising:
  - (a) a first membrane being permeable so as to allow passage of a fluid;
  - (b) a reservoir which stores said fluid;
  - (c) a micro-pump which communicates said fluid between said reservoir and said first membrane;
  - (d) at least one flextensional transducer which independently generate ultrasonic waves that are separately communicated into said living tissue and increase the permeability of said living tissue so as to facilitate transport of said fluid between said living tissue and said first membrane; and
  - (e) a microelectronics circuit which controls functionality of said at least one flextensional transducer and said micro-pump, said reservoir, said micro-pump, said at least one flextensional transducer, and said microelectronics disposed along one side of said first membrane.
2. The transdermal micro-patch of claim 1, further comprising:
  - (f) an adhesive disposed along said first membrane opposite of said at least one flextensional transducer.
3. The transdermal micro-patch of claim 1, further comprising:
  - (f) a second membrane with said micro-pump, said reservoir, said at least one flextensional transducer, and said microelectronics circuit disposed between said first membrane and said second membrane.
4. The transdermal micro-patch of claim 1, further comprising:
  - (f) a matrix disposed about said at least one flextensional transducer.
5. The transdermal micro-patch of claim 1, wherein said transdermal micro-patch delivers said fluid into said living tissue and/or removes said fluid from said living tissue.
6. The transdermal micro-patch of claim 1, wherein at least two of said flextensional transducers communicate separate waves into said living tissue which interact along at least one interaction zone.
7. The transdermal micro-patch of claim 1, further comprising:



- (f) a sensor which monitors at least one condition within said transdermal micro-patch or said living tissue so as to facilitate adjustments to the performance of said at least one flextensional transducer and/or said micro-pump when said at least one condition is indicative of damage or irritation to said living tissue.
8. A method of delivering or extracting a fluid between a tissue and a transdermal micro-patch including a reservoir, a micro-pump, at least one flextensional transducer, a membrane, and a microelectronics circuit comprising the steps of:
- (a) actuating said micro-pump to communicate said fluid between said reservoir and said membrane;
  - (b) actuating said at least one flextensional transducer to separately generate ultrasonic waves within said wound area, said ultrasonic waves increase the permeability within said tissue; and
  - (c) transporting said fluid between said membrane and said tissue, said actuating steps controlled by said microelectronics circuit.
9. The method of claim 8, wherein a large quantity of said fluid is extracted or delivered uninterrupted.
10. The method of claim 8, wherein said micro-pump has a removable cartridge that facilitates continuous transdermal fluidic delivery or extraction without adjustment, removal, or reconfiguration of said reservoir, said micro-pump, said at least one flextensional transducer, said membrane, and/or said microelectronics circuit, said transdermal micro-patch attached to said tissue so that said membrane acts as a barrier until the transdermal fluidic transfer is safe to continue.
11. The method of claim 8, wherein said actuating step is performed at a frequency in the range of 10 to 100 kHz.
12. The method of claim 8, wherein said transporting step moves said fluid from said tissue to said transdermal micro-patch and/or from said transdermal micro-patch to said tissue.
13. The method of claim 8, wherein said actuating step communicates at least two separate waves into said tissue which interact to enhance the performance of said transdermal micro-patch.
14. The method of claim 8, further comprising the steps of:

(d) sensing a condition within said transdermal micro-patch and/or said tissue;  
and

(e) adjusting the performance of said at least one flextensional transducer and/or said micro-pump when said condition is indicative of damage or irritation to said tissue.

15. The method of claim 14, wherein said condition is flow rate, pressure, temperature, voltage, current, frequency, or amplitude.

16. The method of claim 8, wherein a digital controlled piezo-transformer and a piezoelectric pump mechanism are electrically interconnected in a feedback arrangement so as to enable the highly efficient transfer of said fluid between said tissue and said membrane and between said membrane and said reservoir in a manner that is highly compact and lightweight.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

CRILLY MICHAEL G.

LAW OFFICES OF MICHAEL CRILLY 104 SOUTH YORK  
ROAD HATBORO PA 19040 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **24 AUGUST 2009 (24.08.2009)**

Applicant's or agent's file reference

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2009/034038**

International filing date (day/month/year)

**13 FEBRUARY 2009 (13.02.2009)**

Priority date(day/month/year)

15 FEBRUARY 2008 (15.02.2008)

International Patent Classification (IPC) or both national classification and IPC

*A61N 7/00(2006.01)i, A61K 9/70(2006.01)i, A61F 13/02(2006.01)i*

Applicant

**PIEZO RESONANCE INNOVATIONS, INC. et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2 FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

24 AUGUST 2009 (24.08.2009)

Authorized officer

Noh, Young Chul

Telephone No.82-42-481-5617



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2009/034038**

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2009/034038**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-16	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-16	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims	None	NO

**2. Citations and explanations :**

Reference is made to the following documents cited in the search report:

D1: US 2007-0088297 A1

D2: US 2005-0075598 A1

D3: US 2005-0075599 A1

D4: US 07226439 B2

**1. Novelty and Inventive Step**

**1.1 Concerning claims 1-7 and 8-16**

D1, which is considered to represent the most relevant state of the art, discloses a wound treatment device comprising: a housing; at least one ultrasonic transducer contained in said housing; a driver contained in said housing and electrically coupled to said at least one ultrasonic transducer and providing an excitation signal having alternating first and second waveform portions having different waveform shapes; and, a cap detachably coupled to said housing and containing at least one wound care substance to be delivered, said at least one wound care substance being within a functional proximity to said transducers when said cap is attached to said housing; wherein, when the cap is attached to the housing and positioned adjacent to wounded tissue, said at least one transducer emits ultrasound responsively to said excitation signal that impinges the substance and wounded tissue.

Claims 1-7 relate to a transdermal micro-patch for use on a living tissue. Claims 8-16 relate to a method of delivering or extracting a fluid between a tissue and a transdermal micro-patch according to claims 1-7.

The subject matters of claims 1 and 8 differ from D1 in that a micro-pump communicates a fluid between a reservoir and a first membrane. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 8 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Being dependent on claim 1, claims 2-7 also meet the requirements of PCT Article 33(2) and (3). Being dependent on claim 8, claims 9-16 are also novel and involve an inventive step under PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-16 are industrially applicable under PCT Article 33(4).



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,799	07/14/2010	Maurcen L. Mulvihill	PR200904NP	1214
90850	7590	10/12/2010		
Law Offices of Michael Crilly 104 South York Road Hatboro, PA 19040			EXAMINER SIRMONS, KEVIN C	
			ART UNIT	PAPER NUMBER
			3767	
			MAIL DATE	DELIVERY MODE
			10/12/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Law Offices of Michael Crilly  
104 South York Road  
Hatboro PA 19040

In re Application of	:	
MULVIHILL, MAUREEN L. et al	:	DECISION ON REQUEST TO
Application No. 12/812,799	:	PARTICIPATE IN PATENT
Filed: July 14, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PR200904NP	:	PROGRAM AND PETITION
Title: TRANSDERMAL MICRO-PATCH	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 24, 2010 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Kevin Sirmons, the SPE of Art Unit 3767 and 571-272-4965 for Class 604/022 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856





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**MAILED**

**AUG 12 2011**

**PCT LEGAL ADMINISTRATION**

YOUNG BASILE  
3001 WEST BIG BEAVER ROAD  
SUITE 624  
TROY MI 48084

In re Application of :  
HIRATA, Takeshi, et al. :  
Application No.: 12/812,810 :  
PCT No.: PCT/IB2009/000020 :  
Int. Filing Date: 05 January 2009 :  
Priority Date: 16 January 2008 :  
Attorney Docket No.: NNA-489-B :  
For: DRIVE CONTROL APPARATUS AND :  
DRIVE CONTROL METHOD FOR :  
HYBRID VEHICLE :

**NOTIFICATION**

This is a decision on applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 31 January 2011.

**BACKGROUND**

On 14 January 2011, the Office mailed Notification, informing applicants that their national phase entry had identified multiple international applications and that a national phase entry is the national phase of only a single application. It required applicants to identify the correct international application and to furnish a petition under 37 CFR 1.182. It set a two month time period for response.

On 01 April 2011, applicants filed a petition under 37 CFR 1.182 to correct the national phase data.

**DISCUSSION**

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/IB2009/000020. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/IB2009/000020.

**CONCLUSION**

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

Application No. 12/812,810

-2-

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



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**HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY NY 12203**

**MAILED**

**OCT 22 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Didier TOUBIA, et al	:	
Application No. 12/812,819	:	DECISION ON PETITION
Filed: September 29, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3152.011A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Applicant Alexander Levin drivers license and passport. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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26096  
CARLSON, GASKEY & OLDS, P.C.<sup>†</sup>  
400 West Maple Road  
Suite 350  
Birmingham, MI 48009

**MAILED**

**DEC 06 2010**

**PCT LEGAL ADMINISTRATION**

In re Application of  
MUCIG *et al*  
U.S. Application No.: 12/812,845  
PCT No.: PCT/FR2009/050043  
Int. Filing Date: 13 January 2009  
Priority Date: 15 January 2008  
Docket No.: PA0008006US;67036356PUS1  
For: PRESSURISED AIR PICK DEVICE  
WITH VARIABLE CONTRO

**DECISION**

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed on 06 October 2010.

**BACKGROUND**

On 10 August 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 06 October 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by an inventor on behalf of the two nonsigning inventors; a \$130.00 petition fee; a \$130.00 surcharge fee; and documentary evidence in support of the petition (Exhibits A - C).

**DISCUSSION**

Applicants claim that co-inventors, Julien LIOTIER and Patrice CHARLAT, "have effectively refused to execute this application" and have filed the subject petition in response to the Form PCT/DO/EO/905.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventors cannot be located or refuse to cooperate; (3) a statement of the last known addresses of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventors.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the initial petition.<sup>1</sup>

Regarding item (2) of 37 CFR 1.47(a), petitioners provided a declaration by Christine Mattingly who states that she received emails from co-inventor, Alain MUCIG and Sullair's Europe Human Resources department regarding the two nonsigning inventors. Ms. Mattingly concludes that she has not been able to obtain contact information for the nonsigning inventors. Counsel states in the petition that a complete copy of the above-captioned application along with a request to join were sent to the last known addresses of the nonsigning inventors on 15 September 2010. Copies of the cover letters were provided. No other evidence was submitted.

There is no evidence that co-inventors, Julien LIOTIER and Patrice CHARLAT, received the letters mailed 15 September 2010. No receipts from Federal Express were provided. For this reason the subject petition is being treated as if the inventors cannot be reached.

Applicants' burden in showing that an inventor cannot be located is explained in MPEP § 409.03(d)(I) which states, in relevant part:

Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. **Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.** The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, a statement of facts by Ms. Mattingly was provided who indicates that she received email responses from co-inventor, Alain MUCIG, and the former employer of

---

<sup>1</sup> Applicants submitted a \$130.00 petition fee. The fee for a petition under 37 CFR 1.47(a) is \$200.00 pursuant to 37 CFR 1.17(g). The appropriate fee has been charged to Deposit Account No. 08-0385 as authorized. The last known addresses of the nonsigning inventors are listed in the petition. The declaration signed by one of the three named inventors is in compliance with 37 CFR 1.47(a) and (b), and meets the requirements of section 409.03(a)(A) of the MPEP.

the nonsigning inventors. The emails apparently were of no assistance in contacting either nonsigning inventor. However, petitioners did not provide copies of the emails as required. All relevant documents regarding the nonsigning inventors must be provided in any renewed petition.

Moreover, there is no indication that petitioners attempted to locate the current addresses, or telephone numbers of the nonsigning inventors. For these reasons, petitioners have not shown that a diligent effort was made to contact the nonsigning inventors.

Item (2) of 37 CFR 1.47(a) is not yet complete.

#### CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



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United States Patent and Trademark Office  
P.O. Box 1450  
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26096  
CARLSON, GASKEY & OLDS, P.C.  
400 West Maple Road  
Suite 350  
Birmingham, MI 48009

**MAILED**

**APR 04 2011**

In re Application of :  
MUCIG *et al* :  
U.S. Application No.: 12/812,845 :  
PCT No.: PCT/FR2009/050043 :  
Int. Filing Date: 13 January 2009 :  
Priority Date: 15 January 2008 :  
Docket No.: PA0008006US;67036356PUS1 :  
For: PRESSURISED AIR PICK DEVICE :  
WITH VARIABLE CONTROL :

**PCT LEGAL ADMINISTRATION**

**DECISION**

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed on 26 January 2011.

**BACKGROUND**

On 08 December 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 26 January 2011, applicants filed the subject response which was accompanied by documentary evidence in support of the petition (Exhibits D - I).

**DISCUSSION**

The 37 CFR 1.47(a) applicants claim that co-inventors, Julien LIOTIER and Patrice CHARLAT, cannot be located or refuse to cooperate.

Applicants satisfied all requirements of 37 CFR 1.47(a) in the initial petition except item (2), *i.e.*, factual proof that the missing joint inventors cannot be located or refuse to cooperate. Specifically, applicants did not provide copies of all relevant documents discussed in the statement of facts of Ms. Mattingly. Moreover, applicants provided no evidence showing that a search was made to locate the current addresses, or telephone numbers of the nonsigning inventors.

In the renewed petition, the 37 CFR 1.47(a) applicants provided copies of the emails discussed in the original petition (Exhibit D) between Ms. Mattingly and co-inventor, Alain MUCIG and Sullair's Europe Human Resources department as requested. Applicants also provided copies of the FedEx receipts for the documents

mailed to the last known addresses of the two nonsigning inventors on 15 September 2010. Applicants state in the renewed petition that no reply has been received to date.

A review of the relevant evidence (Exhibit F) shows that Patrice CHARLAT signed for the documents delivered by FedEx on 17 September 2010. These documents included a complete copy of the subject application (Exhibit C). This is sufficient to show a refusal by conduct for Patrice CHARLAT as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is satisfied for Patrice CHARLAT.

However, there is no such evidence for the documents delivered to the last known address of Julien LIOTIER. The FedEx receipt was delivered on 17 September 2010, but there no indication who signed for the documents.<sup>1</sup> Accordingly, there is no direct evidence that Julien LIOTIER received the documents. As such, a refusal by conduct can not be shown.

Nonetheless, applicants have provided sufficient evidence to show that a diligent effort was made to locate Julien LIOTIER. Applicants included a statement of facts in the renewed petition describing the steps taken to locate the nonsigning inventors using certain internet search tools. Applicants also provided documentary evidence of these searches (Exhibits G - I) as required. This evidence meets the requirements of MPEP § 409.03(d)(I). Item (2) of 37 CFR 1.47(a) is also satisfied for Julien LIOTIER.

All requirements of 37 CFR 1.47(a) are complete.

### CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 January 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 October 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

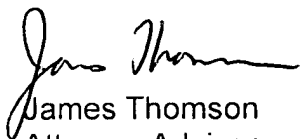
This application is being forwarded to the National Stage Processing Division of

---

<sup>1</sup> The FedEx receipt (Tracking No. 793914960464) lists the person who signed for the documents as "C.F. SIGNATURE."



the Office of PCT Operations for continued processing.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is fluid and cursive, with the first name "James" and last name "Thomson" clearly distinguishable.

James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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Patrice Charlat  
Le Poyet  
F-42111 Saint Didier sur Rochefort  
France

**MAILED**

**APR U 4 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of  
MUCIG *et al*  
U.S. Application No.: 12/812,845  
PCT No.: PCT/FR2009/050043  
Int. Filing Date: 13 January 2009  
Priority Date: 15 January 2008  
Docket No.: PA0008006US;67036356PUS1  
For: PRESSURISED AIR PICK DEVICE  
WITH VARIABLE CONTROL

Dear Ms. Charlat:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302

CARLSON, GASKEY & OLDS, P.C.  
400 West Maple Road  
Suite 350  
Birmingham, MI 48009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Julien Liotier  
8 place Bouvier  
F-42600 Montbrison  
France

**MAILED**

**APR 04 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of  
MUCIG *et al*  
U.S. Application No.: 12/812,845  
PCT No.: PCT/FR2009/050043  
Int. Filing Date: 13 January 2009  
Priority Date: 15 January 2008  
Docket No.: PA0008006US;67036356PUS1  
For: PRESSURISED AIR PICK DEVICE  
WITH VARIABLE CONTROL

Dear Mr. Liotier:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Rabin & Berdo, PC  
1101 14th Street, NW  
Suite 500  
Washington, D.C. 20005

**MAILED**

**APR 05 2012**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
SHAN, YI :  
Application No.: 12/812,852 :  
PCT No.: PCT/CN2008/002041 :  
Int. Filing Date: 22 December 2008 :  
Priority Date: 21 December 2007 :  
Attorney Docket No.: CSC-119NP :  
For: DEVICE FOR ELECTROSTATIC :  
DISCHARGE AND METHOD OF :  
MANUFACTURING THEREOF :

**DECISION ON PETITION  
UNDER 37 CFR 1.137(b)**

The petition to revive under 37 CFR 1.137(b) filed 28 March 2012 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (petition to revive) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459

31 AUG 2010



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ALEXANDRIA, VA 22313-1450  
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MICHAEL BEST & FRIEDRICH LLP  
100 EAST WISCONSIN AVENUE  
MILWAUKEE WI 53202

In re Application of	:	DECISION ON
Wegner et al	:	
Application No.: 12/ 812,861	:	
PCT No.: PCT/EP2008/063925	:	
Int. Filing Date: 16 October 2008	:	PETITION UNDER
Priority Date: 12 December 2007	:	
Attorney's Docket No.: Q22862-1217-US00	:	
For: WINDSHIELD WIPER DRIVE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 14 July 2010.

**BACKGROUND**

On 07 March 2008, this international application was filed, claiming an earliest priority date of 07 March 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 June 2010. This international application became abandoned with respect to the United States at midnight on 12 June 2010 for failure to pay the required basic national fee.

On 14 July 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee.

**DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459

MAILED

OCT 06 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

W.R. GRACE & CO.-CONN.  
7500 GRACE DRIVE  
COLUMBIA MD 21044

In re Application of :  
SUN, Qi, et al. :  
Application No.: 12/812,880 :  
PCT No.: PCT/US2008/012179 :  
Int. Filing Date: 27 October 2008 :  
Priority Date: 04 December 2007 :  
Att. Docket No.: W9819-01 :  
For: ABRASION RESISTANT MEDIA :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 14 July 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 07-1770, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,958	07/15/2010	Gerry Mavin	0005178.2275	2553
34755	7590	09/14/2010		
ADAM K. SACHAROFF MUCH SHELIST DENENBERG AMENT & RUBENSTEIN 191 N. WACKER DRIVE, Suite 1800 CHICAGO, IL 60606-1615			EXAMINER	
			ART UNIT	PAPER NUMBER
			3781	
			NOTIFICATION DATE	DELIVERY MODE
			09/14/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@muchshelist.com





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ADAM K. SACHAROFF  
MUCH SHELIST DENENBERG AMENT & RUBENSTEIN  
191 N. WACKER DRIVE, Suite 1800  
CHICAGO IL 60606-1615

In re Application of	:	
MAVIN, GERRY et al	:	DECISION ON REQUEST TO
Application No. 12/812,958	:	PARTICIPATE IN PATENT
Filed: July 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 0005178.2275	:	PROGRAM AND PETITION
For CLOSURE WITH SAFETY FEATURE :		37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed July 15, 2010 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3 and #6 above.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the EPO/PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 1-11 (a total of 11 claims) which are not sufficiently corresponding to allowable claims 6, 10, 10 of EPO/PCT search opinion. It must be noted the rejected claims 1-5, 7-8 and 11 must be cancelled before the petition can be granted. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

With regard to Item #6, the request to participate in the PPH pilot program and petition fail to include 1. a copy of JP 2002 293358 A (CROWN CORK JAPAN) 9 October 2002 (2002-10-09); JP 2005 193914 A (ALCOA CLOSURE SYSTEMS JAPAN) 21 July 2005; GB-A-1 407 806 (COORS CO ADOLPH) 24 September 1975 (1975-09-24); DE 198 03 520 A1 (ROTH WERKE GMBH [DE]) 5 August 1999 (1999-08-05) and NL-A-8 602 016 (REMIGIUS VINCENT HENDRIKX) 1 March 1988 (1988-03-01). These patent documents were cited in the International Search Report and a copy is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

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Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/812,959	Filing Date:	July 15, 2010
First Named Inventor:	Tadahiro KATO et al.		
Attorney Docket No.:	146098		

Title of the Invention: WORKPIECE DOUBLE-DISC GRINDING APPARATUS AND WORKPIECE DOUBLE-DISC GRINDING METHOD

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EF\\_HELP.HTML](http://www.uspto.gov/EBC/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/JP2009/000247

**The international date of the corresponding PCT application(s) is/are:** January 23, 2009

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

# **REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.:	12/812,959
First Named Inventor:	Tadahiro KATO et al.

- d. (1) **An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☐ Has already been filed in the above-identified U.S. application on July 15, 2010

- (2) **Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on July 15, 2010

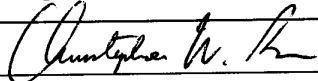
## **II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-10 are canceled		
11, 12, 21 and 22	1, 2, 6 and 7	Claims 11, 12, 21 and 22 of the U.S. application correspond identically to claims 1, 2, 6 and 7, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
13 and 14	3	Claims 13 and 14 of the U.S. application correspond to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 3 of the PCT application is a multiple dependent claim depending from claims 1 and 2. Claim 13 of the U.S. application depends from claim 11 (corresponding to PCT application claim 1). Claim 14 of the U.S. application depends from claim 12 (corresponding to PCT application claim 2). Claims 13 and 14 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
15-18	4	Claims 15-18 of the U.S. application correspond to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 4 of the PCT application is a multiple dependent claim depending from each of claims 1-3. Claim 15 of the U.S. application depends from claim 11 (corresponding to PCT application claim 1). Claim 16 of the U.S. application depends from claim 12 (corresponding to PCT application claim 2). Claim 17 of the U.S. application depends from claim 13 (corresponding to PCT application claim 3). Claim 18 of the U.S. application depends from claim 14 (corresponding to PCT application claim 3). Claims 15-18 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.
19 and 20	5	Claims 19 and 20 of the U.S. application correspond to claim 5 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 5 of the PCT application is a multiple dependent claim depending from each of claims 1-4. Claim 19 of the U.S. application depends from claim 11 (corresponding to PCT application claim 1). Claim 20 of the U.S. application depends from claim 18 (corresponding to PCT application claim 4). Claims 19 and 20 are thus individually dependent claims corresponding to multiple dependent claim 5 of the PCT application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

23 and 24	8	Claims 23 and 24 of the U.S. application correspond to claim 8 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 8 of the PCT application is a multiple dependent claim depending from claims 6 or 7. Claim 23 of the U.S. application depends from claim 21 (corresponding to PCT application claim 6). Claim 24 of the U.S. application depends from claim 22 (corresponding to PCT application claim 7). Claims 23 and 24 are thus individually dependent claims corresponding to multiple dependent claim 8 of the PCT application.
25-28	9	Claims 25-28 of the U.S. application correspond to claim 9 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 9 of the PCT application is a multiple dependent claim depending from each of claims 6-8. Claim 25 of the U.S. application depends from claim 21 (corresponding to PCT application claim 6). Claim 26 of the U.S. application depends from claim 22 (corresponding to PCT application claim 7). Claim 27 of the U.S. application depends from claim 23 (corresponding to PCT application claim 8). Claim 28 of the U.S. application depends from claim 24 (corresponding to PCT application claim 8). Claims 25-28 are thus individually dependent claims corresponding to multiple dependent claim 9 of the PCT application.
29 and 30	10	Claims 29 and 30 of the U.S. application correspond to claim 10 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 10 of the PCT application is a multiple dependent claim depending from each of claims 6-9. Claim 29 of the U.S. application depends from claim 21 (corresponding to PCT application claim 6). Claim 30 of the U.S. application depends from claim 28 (corresponding to PCT application claim 9). Claims 29 and 30 are thus individually dependent claims corresponding to multiple dependent claim 10 of the PCT application.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date February 17, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Christopher W. Brown	Registration Number 38,025

[Page 3 of 3]

OLIFF & BERRIDGE, PLC  
P.O. Box 320850  
Alexandria, Virginia 22320-4850  
Telephone: (703) 836-6400

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Deposit Account No. 15-0461

### **Privacy Act Statement**

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

2011年 2月16日 10時44分

特許事務所

PATENT COOPERATION TREATY

NO. 4957 P. 2  
PCT/JP2009/000247

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

YOSHIMIYA, Mikio  
1st Shikaya Bldg. 8F  
8-11, Ueno 7-chome, Taito-ku  
Tokyo 1100005  
JAPON

Date of mailing (day/month/year)  
26 August 2010 (26.08.2010)

Applicant's or agent's file reference  
07F00137WO

IMPORTANT NOTICE

International application No.  
PCT/JP2009/000247

International filing date (day/month/year)  
23 January 2009 (23.01.2009)

Priority date (day/month/year)  
14 February 2008 (14.02.2008)

Applicant  
Shin-Etsu Handotai Co., Ltd. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

Facsimile No. +41 22 338 82 70

e-mail: pct@wipo.int

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 07F00137WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2008/000247	International filing date (day/month/year) 23 January 2008 (23.01.2008)	Priority date (day/month/year) 14 February 2008 (14.02.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant Shin-Etsu Handotai Co., Ltd.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report:  |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 17 August 2010 (17.08.2010)
Facsimile No. +41 22 338 82 70		Authorized officer Yoshiko Kuwahara
Form PCT/IB/373 (January 2004)		e-mail: pt07.pct@wipo.int



## 特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人 好宮幹夫	様
あて名 〒110-0005 日本国東京都台東区上野7丁目6番11号第一下谷ビル8F	

PCT  
国際調査機関の見解書  
(法施行規則第40条の2)  
[PCT規則43の2.1]

発送日  
(日.月.年) 10.03.2009

出願人又は代理人  
の書類記号 07P00137W0

今後の手続きについては、下記2を参照すること。

国際出願番号  
PCT/JP2009/000247

国際出願日  
(日.月.年) 23.01.2009

優先日  
(日.月.年) 14.02.2008

国際特許分類 (IPC) Int.Cl. B24B7/17(2006.01)1, B24B41/06(2006.01)1, B24D3/00(2006.01)1, B24D3/14(2006.01)1, H01L21/304(2006.01)1

出願人 (氏名又は名称)  
信越半導体株式会社

## 1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

## 2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則68.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

## 3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

26.02.2009

名称及びあて先  
日本国特許庁 (ISA/JP)  
郵便番号100-8915  
東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)  
橋本 卓行

3C 8747

電話番号 03-3581-1101 内線 3824

様式PCT/ISA/237 (表紙) (2007年4月)

## 国際調査機関の見解書

国際出願番号 PCT/JP2009/000247

## 第I欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願☐ 出願時の言語から国際調査のための言語である \_\_\_\_\_ 語に翻訳された、この国際出願の翻訳文  
(PCT規則12.3(a)及び23.1(b))2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a. タイプ

☐ 配列表☐ 配列表に関連するテーブル

b. フォーマット

☐ 紙形式☐ 電子形式

c. 提出時期

☐ 出願時の国際出願に含まれていたもの☐ この国際出願と共に電子形式により提出されたもの☐ 出願後に、調査のために、この国際調査機関に提出されたもの4. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見:

国際調査機関の見解書		国際出願番号 PCT/JP2009/000247
第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明		
1. 見解		
新規性 (N)	請求の範囲 1-10 請求の範囲	有 無
進歩性 (IS)	請求の範囲 1-10 請求の範囲	有 無
産業上の利用可能性 (IA)	請求の範囲 1-10 請求の範囲	有 無
2. 文献及び説明		
<p>請求の範囲 1-10 国際調査報告で引用されたいずれの文献にも記載も示唆もなく、当業者にとって自明な事項でもない。</p>		

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 07F00137WO	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/JP2009/000247	International filing date (day/month/year) 23 January 2009 (23.01.2009)	Priority date (day/month/year) 14 February 2008 (14.02.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant Shin-Etsu Handotai Co., Ltd.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input type="checkbox"/>	Box No. II	Priority																							
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<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004)	Date of issuance of this report 05 October 2010 (05.10.2010)  Authorized officer <div style="text-align: right; font-weight: bold;">Gijsbertus Beijer</div> e-mail: pt07.pct@wipo.int
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# PATENT COOPERATION TREATY

TRANSLATION

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>07F00137WO</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/JP2009/000247</b>	International filing date (day/month/year) <b>23.01.2009</b>	Priority date (day/month/year) <b>14.02.2008</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>Shin-Etsu Handotai Co., Ltd.</b>		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I      Basis of the opinion
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2009/000247

Box No. I

Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2009/000247

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

**1. Statement**

Novelty (N)

Claims 1-10

YES

Claims \_\_\_\_\_

NO

Inventive step (IS)

Claims 1-10

YES

Claims \_\_\_\_\_

NO

Industrial applicability (IA)

Claims 1-10

YES

Claims \_\_\_\_\_

NO

**2. Citations and explanations:**

Claims 1-10

The inventions as in claims 1-10 are not described or suggested in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tadahiro KATO et al.

Group Art Unit:

Application No.: 12/812,959

Examiner:

Filed: July 15, 2010

Docket No.: 146098

For: WORKPIECE DOUBLE-DISC GRINDING APPARATUS AND WORKPIECE  
DOUBLE-DISC GRINDING METHOD


**TRANSMITTAL OF CLAIMS AND TRANSLATION, AND  
AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2009/000247 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Christopher W. Brown  
Registration No. 38,025

WPB:CWB/rav

Date: February 17, 2011

OLIFF & BERRIDGE, PLC  
P.O. Box 320850  
Alexandria, Virginia 22320-4850  
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>
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### 請求の範囲

- [1]      少なくとも、薄板状のワークを径方向に沿って外周側から支持する自転可能なワークホルダーと、該ワークホルダーの両側に位置し、ワークホルダーを自転の軸方向に沿って両側から、流体の静圧により非接触支持する一対の静圧支持部材と、前記ワークホルダーにより支持されたワークの両面を同時に研削する一対の砥石を具備するワークの両頭研削装置であって、
- 前記ワークホルダーと前記静圧支持部材の間隔が $50\mu\text{m}$ 以下であり、かつ、前記静圧支持部材が前記ワークホルダーを $0.3\text{MPa}$ 以上の前記流体の静圧で支持するものであることを特徴とするワークの両頭研削装置。
- [2]      前記ワークホルダーは、平行度が $5\mu\text{m}$ 以下、かつ、平面度が $5\mu\text{m}$ 以下のものであることを特徴とする請求項1に記載のワークの両頭研削装置。
- [3]      前記ワークホルダーにおいて、少なくとも非接触支持される面がアルミナセラミクスからなるものであることを特徴とする請求項1または請求項2に記載のワークの両頭研削装置。
- [4]      前記静圧支持部材において、前記ワークホルダーを非接触支持する面は、平面度が $20\mu\text{m}$ 以下であることを特徴とする請求項1から請求項3のいずれか一項に記載のワークの両頭研削装置。
- [5]      前記砥石は、平均粒径 $1\mu\text{m}$ 以下のダイヤモンド砥粒とビトリファイドボンド材からなるものであることを特徴とする請求項1から請求項4のいずれか一項に記載のワークの両頭研削装置。
- [6]      少なくとも、ワークホルダーによって、薄板状のワークを径方向に沿って外周側から支持して自転させるとともに、前記ワークホルダーの両側に位置する一対の静圧支持部材によって、前記ワークホルダーを自転の軸方向に沿

って両側から、流体の静圧により非接触支持し、一対の砥石によって、前記ワークホルダーにより支持したワークの両面を同時に研削するワークの両頭研削方法であって、

前記ワークホルダーと前記静圧支持部材の間隔を $50\mu\text{m}$ 以下とし、かつ、前記流体の静圧を $0.3\text{MPa}$ 以上に調節して、前記ワークの両面を研削することを特徴とするワークの両頭研削方法。

- [7] 前記ワークホルダーを、平行度が $5\mu\text{m}$ 以下、かつ、平面度が $5\mu\text{m}$ 以下のものとすることを特徴とする請求項6に記載のワークの両頭研削方法。
- [8] 前記ワークホルダーにおいて、少なくとも非接触支持される面を、アルミナセラミクスからなるものとすることを特徴とする請求項6または請求項7に記載のワークの両頭研削方法。
- [9] 前記静圧支持部材において、前記ワークホルダーを非接触支持する面を、平面度が $20\mu\text{m}$ 以下のものとすることを特徴とする請求項6から請求項8のいずれか一項に記載のワークの両頭研削方法。
- [10] 前記砥石を、平均粒径 $1\mu\text{m}$ 以下のダイヤモンド砥粒とビトリファイドボンド材からなるものとすることを特徴とする請求項6から請求項9のいずれか一項に記載のワークの両頭研削方法。

## CLAIMS

1. A workpiece double-disc grinding apparatus comprising at least: a workpiece holder that supports a thin-plate-like workpiece from an outer peripheral side along a radial direction and is able to rotate; a pair of static pressure support members that are positioned on both sides of the workpiece holder and support the workpiece holder from both sides along an axial direction of the rotation thereof in a contactless manner based on a static pressure of a fluid; and a pair of grinding stones that simultaneously grind both surfaces of a workpiece supported by the workpiece holder,  
wherein an interval between the workpiece holder and the static pressure support member is not greater than 50  $\mu\text{m}$ , and the static pressure support members support the workpiece holder based on the static pressure of the fluid that is not lower than 0.3 MPa.
2. The workpiece double-disc grinding apparatus according to claim 1, wherein the workpiece holder has parallelism of 5  $\mu\text{m}$  or below and flatness of 5  $\mu\text{m}$  or below.
3. The workpiece double-disc grinding apparatus according to claim 1 or claim 2, wherein at least a surface of the workpiece holder that is supported in the contactless manner is formed of alumina ceramics.
4. The workpiece double-disc grinding apparatus according to any one of claims 1 to 3, wherein a surface of the static pressure support member that supports the

workpiece holder in the contactless manner has flatness of 20  $\mu\text{m}$  or below.

5. The workpiece double-disc grinding apparatus according to any one of claims 1 to 4, wherein the grinding stone is formed of diamond abrasive grains having an average grain size of 1  $\mu\text{m}$  or below and a vitrified bond material.

6. A workpiece double-disc grinding method comprising at least: using a workpiece holder to support a thin-plate-like workpiece from outer peripheral side along a radial direction and rotate the same; supporting the workpiece holder from both sides along an axial direction of rotation in a contactless manner based on a static pressure of a fluid by a pair of static pressure support members positioned on both sides of the workpiece holder; and simultaneously grinding both surfaces of the workpiece supported by the workpiece holder by a pair of grinding stones,

wherein an interval between the workpiece holder and the static pressure support member is set to not greater than 50  $\mu\text{m}$  and the static pressure of the fluid is set to not lower than 0.3 MPa to grind both the surfaces of the workpiece.

7. The workpiece double-disc grinding method according to claim 6, wherein the workpiece holder has parallelism of 5  $\mu\text{m}$  or below and flatness of 5  $\mu\text{m}$  or below.

8. The workpiece double-disc grinding method according to claim 6 or claim 7, wherein at least a

surface of the workpiece holder that is supported in the contactless manner is formed of alumina ceramics.

9. The workpiece double-disc grinding method according to any one of claims 6 to 8, wherein a surface of the static pressure support member that supports the workpiece holder in the contactless manner has flatness of 20  $\mu\text{m}$  or below.

10. The workpiece double-disc grinding method according to any one of claims 6 to 9, wherein the grinding stone is formed of diamond abrasive grains having an average grain size of 1  $\mu\text{m}$  or below and a vitrified bond material.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,959	07/15/2010	Tadahiro Kato	146098	2554

25944 7590 02/23/2011

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER
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ART UNIT	PAPER NUMBER
----------	--------------

3723

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

02/23/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com



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In re Application of	:	
KATO, TADAHIRO	:	DECISION ON REQUEST TO
Application No. 12/812,959	:	PARTICIPATE IN PATENT
Filed: July 15, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 146098	:	PROGRAM AND PETITION
Title: WORKPIECE DOUBLE-DISC GRINDING	:	TO MAKE SPECIAL UNDER
APPARATUS AND WORKPIECE DOUBLE-	:	37 CFR 1.102(a)
DISC GRINDING METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 17, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Joe Hail, the SPE of Art Unit 3723, and 571-272-4485 for Class 451/63 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No: 12/812,971 Filing date: 7/15/2010

First Named Inventor: Tsuneo SUZUKI

Title of the Invention: Window Glass Breakage Detector

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/073336

The international date of the corresponding PCT application(s) is/are: 12/22/2008

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached.



Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.: 12/812,971

First Named Inventor: Tsuneo SUZUKI

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached



Has already been filed in the above-identified U.S. application on 10/15/2010

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.




Have already been filed in the above-identified U.S. application on 10/15/2010

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	Claims 1-8 in the U.S. Application are based upon and sufficiently
4	4	correspond to the similarly numbered claims which were indicated
5	5	as having novelty, inventive step and industrial applicability in the
6	6	above-identified corresponding PCT application except for
7	7	changes to eliminate multiple claim dependency, to improve clarity,
8	8	grammar and syntax, as well as to eliminate language informalities.
9	4	Claims 9-14 in the U.S. application correspond to claims 4, 5, 7 and 8
10	5	in the corresponding PCT application and have been added
11	5	in order to compensate for the elimination of multiple claim dependency.
12	5	Further, dependent claims 2-14 further limit the independent claim and
13	7	thus "sufficiently correspond" to the allowed claim of the corresponding PCT application
14	8	

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature		Steven B. Pollicoff	Date 12/23/2011
Name (Print/Typed)	Bruce H. Bernstein	Reg. No. 60,311	Registration Number 29,027

# STATEMENT

I, Miho Ikegami, an employee with the firm of ONDA TECHNO Intl. Patent Attys. having a business address of 12-1, Omiya-cho 2-chome, Gifu-city 500-8731 JAPAN, hereby state that I am the knowledgeable in the Japanese and English languages and the attachment document is, to the best of my knowledge and belief, a true and accurate English translation of Written Opinion of the International Searching Authority issued in the corresponding PCT application PCT/JP2008/073336 and of the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application PCT/JP2008/073336.

Date: November 8, 2011      Signature: Miho Ikegami

# 特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人

恩田 博宣

様

あて名

〒500-8731

日本国岐阜県岐阜市大宮町2丁目12番地の1



PCT

国際調査機関の見解書  
(法施行規則第40条の2)  
[PCT規則43の2.1]

発送日  
(日.月.年)

27. 01. 2009

出願人又は代理人

の書類記号 P3P2008453

今後の手続きについては、下記2を参照すること。

国際出願番号

PCT/J P 2008/073336

国際出願日

(日.月.年) 22. 12. 2008

優先日

(日.月.年) 25. 02. 2008

国際特許分類 (IPC) Int.Cl. B60R25/10(2006.01)i, B60J1/17(2006.01)i, G08B13/00(2006.01)i, G08B13/04(2006.01)i, E06B7/28(2006.01)n

出願人 (氏名又は名称)

株式会社 豊田自動織機

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☒ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

15. 01. 2009

名称及びあて先

日本国特許庁 (ISA/J P)

郵便番号100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

本庄 亮太郎

電話番号 03-3581-1101 内線 3381

3 Q

9323

様式PCT/ISA/237 (表紙) (2007年4月)

## 第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である \_\_\_\_\_ 語に翻訳された、この国際出願の翻訳文  
(PCT規則12.3(a)及び23.1(b))

2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a. タイプ ☐ 配列表

☐ 配列表に関連するテーブル

b. フォーマット ☐ 紙形式

☐ 電子形式

c. 提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：

## 第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

## 1. 見解

新規性 (N)	請求の範囲	1-8	有
	請求の範囲		無
進歩性 (IS)	請求の範囲	1-8	有
	請求の範囲		無
産業上の利用可能性 (IA)	請求の範囲	1-8	有
	請求の範囲		無

## 2. 文献及び説明

文献1 : JP 2005-4316 A (セコム株式会社) 2005.01.06, 【0009】 (ファミリーなし)

文献2 : JP 10-197333 A (総合警備保障株式会社) 1998.07.31, 請求項1 (ファミリーなし)

文献3 : 日本国実用新案登録出願 61-78608 号 (日本国実用新案登録出願公開 62-189272 号) の願書に添付した明細書及び図面の内容を撮影したマイクロフィルム (株式会社 本田ロック) 1987.12.02, 第3図、第4図 & US 4901053 A

文献4 : JP 11-321564 A (三菱自動車工業株式会社) 1999.11.24, 請求項1 (ファミリーなし)

請求の範囲1ないし8に記載された発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

## 第Ⅶ欄 国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

## 請求の範囲 1 について

請求の範囲 1 に「ウィンドウガラスの破損に伴い当該ウィンドウガラスの一部領域を粉砕することによりウィンドウガラスの破損が検出され」と記載されている。しかしながら、請求の範囲 1 の「ウィンドウガラス破損検出装置」が、ウィンドウガラスの一部領域を粉砕するだけで、どうしてウィンドウガラスの破損を検出することができるのかが明確でない。

## 請求の範囲 2 について

請求の範囲 2 に「ウィンドウガラスの破損に伴い当該ウィンドウガラスの端部を粉砕することによりウィンドウガラスの破損が検出され」と記載されている。しかしながら、請求の範囲 2 の「ウィンドウガラス破損検出装置」が、ウィンドウガラスの端部を粉砕するだけで、どうしてウィンドウガラスの破損を検出することができるのかが明確でない。

# PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
ONDA Hironori  
12-1, Ohmiya-cho 2-chome  
Gifu-shi, Gifu 5008731  
JAPAN

Date of mailing (day/month/year) **27.01.2009**

Applicant's or agent's file reference  
**P3P2008453**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/JP2008/073336**

International filing date (day/month/year)  
**22.12.2008**

Priority date (day/month/year)  
**25.02.2008**

International Patent Classification (IPC) or both national classification and IPC

Int.Cl. B60R25/10(2006.01)i, B60J1/17(2006.01)i, G08B13/00(2006.01)i, G08B13/04(2006.01)i,  
E06B7/28(2006.01)n

Applicant

**KABUSHIKI KAISHA TOYOTA JIDOSHOKKI**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP <b>Japan Patent Office</b> <b>(ISA/JP) 3-4-3, Kasumigaseki</b>	Date of completion of this opinion <b>15.01.2009</b>	Authorized officer <b>Ryotaro Honjo</b>
Facsimile No.	Telephone No. <b>03-3581-1101 (Ext.3381)</b>	



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/JP2008/073336

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:  
☒ the international application in the language in which it was filed.  
☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91(Rule 43bis.1(a)).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. type  
☐ Sequence Listing  
☐ Table relating to Sequence Listing
  - b. format  
☐ on paper  
☐ in electronic form
  - c. time  
☐ in the international application as filed  
☐ together with the international application in electronic form  
☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that a sequence listing or a table relating to a sequence listing has been filed, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed were furnished.
5. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International  
application No.

PCT/JP2008/073336

Box No. V

Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability, citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (I S)	Claims	1-8	YES
	Claims		NO
Industrial applicability (I A)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

Citation 1: JP2005-4316A (SECOM KABUSHIKI KAISHA) 2005.01.06, [0009] no other patent family

Citation 2: JP10-197333A (SOGO KEIBI HOSYO CO LTD) 1998.07.31, Claim 1, no other patent family

Citation 3: Japanese Utility-Model Application No. 61-78608 (Japanese Utility-Model Laid-open Publication 62-189272) Microfilm imaging contents of the specification and drawings attached to the Request (Kabushiki Kaisha Honda Lock) 1987.12.02, Fig.3, Fig. 4 and US4901053A

Citation 4: JP11-321564A (MITSUBISHI MOTORS CORP) 1999.11.23, claim 1, no other patent family

The inventions of Claims 1-8 are not described in either of the cited references cited in the ISR or obvious to those skilled in the art.

Box VIII. Certain observations on the international application

Observations on clarity of claims, specification, and drawings or sufficient support of the claims based on the specification are described below.

Claim 1

Claim 1 recites "breakage of the window glass is detected by breaking at least a part of the window glass apart following the breakage of the window glass."

However, how the breakage of the window glass breakage detector detects the breakage of the window glass just by breaking at least a part of the window glass apart is unclear.

Claim 2

Claim 2 recites "breakage of the window glass is detected by breaking at least a part of the window glass apart following the breakage of the window glass."

However, how the breakage of the window glass breakage detector detects the breakage of the window glass just by breaking at least a part of the window glass apart is unclear.

Japanese claims indicated as having novelty, inventive step and industrial applicability

【書類名】 請求の範囲

【請求項 1】

ウィンドウガラス破損検出装置であって、車両のウィンドウガラスに取り付けられ、ウィンドウガラスの破損に伴い当該ウィンドウガラスの一部領域を粉砕することによりウィンドウガラスの破損が検出され、該検出装置は、ウィンドウガラスの面のずれた位置でウィンドウガラス面に接触する状態で、自身の弾性にて該ガラス面に対し互いに逆方向にウィンドウガラスを付勢することを特徴とするウィンドウガラス破損検出装置。

【請求項 2】

ウィンドウガラス破損検出装置であって、車両の開閉部を開閉自在なウィンドウガラスでの端部においてウィンドウガラスを挟持して、ウィンドウガラスの破損に伴い当該ウィンドウガラスの端部を粉砕することによりウィンドウガラスの破損が検出され、該検出装置は、板ばね用鋼板を折り曲げて形成された対向する第 1 部材と第 2 部材を有し、前記第 1 部材と第 2 部材は、それらの間に配置されたウィンドウガラスとウィンドウガラスの面ですれた位置で接触する状態で、互いに接近する方向に付勢されていることを特徴とするウィンドウガラス破損検出装置。

【請求項 3】

前記第 1 部材と第 2 部材を連結する折り曲げ部は、二段に折り曲げられ、二段目の折り曲げ部の幅はウィンドウガラスの厚みよりも狭く、一段目の折り曲げ部においてウィンドウガラスの端面が接することを特徴とする請求項 2 に記載のウィンドウガラス破損検出装置。

【請求項 4】

前記第 1 部材におけるウィンドウガラスとの接触部は、第 2 部材におけるウィンドウガラスとの接触部が挟まれるようにウィンドウガラスの面において 2 箇所に離間し、かつ、第 1 部材におけるウィンドウガラス 5 の両接触部を含む第 1 部材のウィンドウガラスと対向する部分は、第 2 部材におけるウィンドウガラス 5 との接触部の周りを包囲していることを特徴とする請求項 2 または 3 に記載のウィンドウガラス破損検出装置。

【請求項 5】

前記第 1 部材および第 2 部材の少なくとも一方は、前記ウィンドウガラスと突起にて接触することを特徴とする請求項 2 ～ 4 のいずれか 1 項に記載のウィンドウガラス破損検出装置。

【請求項 6】

ウィンドウガラスは車両の開閉部を開閉自在であることを特徴とする請求項 1 に記載のウィンドウガラス破損検出装置。

【請求項 7】

前記検出装置は、付勢用アーム部と、付勢用アーム部により連結された少なくとも一対の接触部とを備え、前記ウィンドウガラスの片面において前記少なくとも一対の接触部が、ウィンドウガラスの面ですれた位置で接触する状態で、ガラス面に対し互いに逆方向に付勢されていることを特徴とする請求項 1 または 6 に記載のウィンドウガラス破損検出装置。

【請求項 8】

前記ウィンドウガラスが貫通孔を備え、前記検出装置は、該貫通孔を通してウィンドウガラスを両面から挟持して、ウィンドウガラスの第 1 の面と該第 1 の面に対向する第 2 の面で前記貫通孔からの距離が異なる位置で互いに逆方向に付勢してなることを特徴とする請求項 1 または 6 に記載のウィンドウガラス破損検出装置。

English translation of the Japanese claims indicated as having novelty, inventive step, and industrial applicability

#### CLAIMS

1. A window glass breakage detector, **characterized in that** the detector is attached to a window glass of a vehicle, wherein breakage of the window glass is detected by breaking at least a part of the window glass apart following the breakage of the window glass, wherein the detector biases a surface of the window glass by elasticity of the detector in opposite directions, in contact with the surface of the window glass at offset positions on the window glass.

2. A window glass breakage detector, **characterized in that** the detector clips to a window glass that selectively opens or closes an opening of a vehicle at an end of the window glass, wherein breakage of the window glass is detected by breaking at least a part of the window glass apart following the breakage of the window glass, wherein the detector includes a first member and a second member that oppose each other, wherein the first member and the second member are formed by folding a steel plate for making a leaf spring, wherein the first member and the second member are biased in a direction to approach each other, in contact with a surface of the window glass disposed between the first member and the second member at offset positions on the window glass.

3. The window glass breakage detector of claim 2, **characterized in that** the detector further comprises a folded portion that connects the first member with the second member, wherein the folded portion is folded twice, wherein the width of the second folded portion is narrower than the thickness of the window glass, and the end of the window glass contacts the first folded portion.

4. The window glass breakage detector of claim 2 or 3, **characterized in that** the contact portions of the first member with the window glass are at two positions separated from one another so that the contact portion of the second member with the window glass is located between the two positions, wherein a portion of the first member that faces the window glass including the contact portions of the first member with the window glass surrounds the contact portion of the second member with the window glass.

5. The window glass breakage detector of any one of claims 2 to 4, **characterized in that** at least one of the first member and the second member contacts the window glass at protrusions.

6. The window glass breakage detector of claim 1, **characterized in that** the window glass selectively opens or closes an opening of a vehicle.

7. The window glass breakage detector of claim 1 or 6, **characterized in that** the detector includes a biasing arm and a pair of contact portions connected to the biasing arm, wherein the pair of contact portions are biased in opposite directions from each other with respect to the surface of the window glass on one side of the window glass, and are in contact with the surface of the window glass at the offset portions on the window glass.

8. The window glass breakage detector of claim 1 or 6, **characterized in that** the window glass includes a through-hole, wherein the detector clamps the window glass on both sides of the window glass through the through-hole, wherein the detector biases a first surface of the window glass and a second surface of the window glass that opposes the first surface in opposite directions at positions spaced apart from the through-hole at different distances.



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**GREENBLUM & BERNSTEIN, P.L.C.**  
**1950 ROLAND CLARKE PLACE**  
**RESTON, VA 20191**

**MAILED**

**FEB 10 2012**

**OFFICE OF PETITIONS**

**In re Application of**  
**Tusneo SUZUKI et al.**  
**Application No.: 12/812,971**  
**Filed: July 15, 2010**  
**Attorney Docket No.: P38614**  
**For: Window Glass Breakage Detector**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 23, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IP AU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1, 3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2).

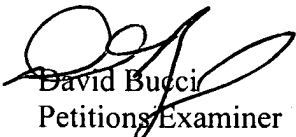
Regarding the requirement of condition (2), Box VIII in the latest work product has been checked. Petitioner has not provide any explanation why the claim(s) is/are not subject to the observation in Box VIII.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
David Bucci  
Petitions Examiner  
Office of Petitions





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**RESTON VA 20191**

**MAILED**

**APR 11 2012**

**OFFICE OF PETITIONS**

**In re Application of**  
**Tusneo Suzuki, et al.**  
**Application No.: 12/812,971**  
**Filed: 15 July 2010**  
**Attorney Docket No.: P38614**  
**For: WINDOW GLASS BREAKAGE**  
**DETECTOR**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 23 December 2011 and renewed on 22, February 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**DISCUSSION**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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THE BLK LAW GROUP  
3500 BROOKTREE ROAD  
SUITE 200  
WEXFORD PA 15090

**MAILED**

**NOV 04 2010**

**OFFICE OF PETITIONS**

In re Application of  
Richard J. Arnott et al.  
Application No. 12/813,035  
Filed: June 10, 2010  
Attorney Docket No. Arnott-1002

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the petition filed September 23, 2010 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on June 10, 2010 without an oath or declaration. Accordingly, on June 23, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a one month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioner claims that joint inventors Cano and Loebig refuse to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to the joint inventors however, Attorney Randy Notzen has replied on behalf of joint inventors Cano and Loebig that neither is interested in signing the declaration and both refuse to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby **accorded Rule 1.47(a) status**.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee, filing fees and the extension of time fee have been charged to deposit account no. 50-2800.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,159	06/10/2010	Timo GALM	1001/0108PUS2	6371
7590 12/10/2010 Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033			EXAMINER NGUYEN, HA T	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 12/10/2010	DELIVERY MODE PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nimi Farmer*  
Patent Publication Branch  
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,159	06/10/2010	Timo GALM	1001/0108PUS2	6371
7590 12/10/2010 Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033			EXAMINER NGUYEN, HA T	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 12/10/2010	DELIVERY MODE PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)  
*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,195	06/10/2010	Timo Galm	1001/0107PUS2	6461
7590 12/10/2010 Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033			EXAMINER ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			12/10/2010	PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Farmer*  
Patent Publication Branch  
Office of Data Management

RECEIVED PATENT 12/10/2010 10:11:23  
COMMERCIAL INQUIRY 12/10/2010 10:11:23  
60 FC:1311 -220.03 J-



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,195	06/10/2010	Timo Galm	1001/0107PUS2	6461
7590 12/10/2010 Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033			EXAMINER ZIMMERMAN, BRIAN A	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 12/10/2010	DELIVERY MODE PAPER

## DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c) *The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

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Office of Data Management





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P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

**MAILED**

**JAN 20 2011**

**OFFICE OF PETITIONS**

In re Application of  
Douglas C. Comrie  
Application No.: 12/813,214  
Filed: June 10, 2010  
Attorney Docket No.: 5146-000002/US/COF

**ON PETITION**

This is a decision on the petition, filed January 19, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. The \$130 petition fee is being charged to counsel's deposit account as authorized.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Mark A. Frentrop appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on December 23, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1793 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**ZIES WIDERMAN & MALEK**  
**1990 W. NEW HAVEN AVENUE, SUITE 201**  
**MELBOURNE FL 32904**

**MAILED**  
**MAY 04 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Smaidris et al.  
Application No. 12/813,223  
Filed: June 10, 2010  
Attorney Docket No. 30.4128

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the basic filing fee, search and examination fees, additional claim fees and the late surcharge, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3751 for examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/813,253	Filing date:	June 10, 2010
First Named Inventor:	Douglas S. Hilton		
Title of the Invention:	Ontological Filtering Using Spatial Boundary of 3D Objects		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US10/38188

**The international filing date of the corresponding PCT application(s) is/are:**  
June 10, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/813,253
First Named Inventor:	Douglas S. Hilton

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

Signature <i>/David E. Blau, #60,625/</i>	Date <b>March 30, 2011</b>
Name (Print/Typed) <b>David E. Blau</b>	Registration Number <b>60,625</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,253	06/10/2010	Douglas S. Hilton	2686/155	6581
2101	7590	04/26/2011		
Sunstein Kann Murphy & Timbers LLP			EXAMINER	
125 SUMMER STREET				
BOSTON, MA 02110-1618			ART UNIT	PAPER NUMBER
			2173	
			NOTIFICATION DATE	DELIVERY MODE
			04/26/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SUNSTEINLAW.COM



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Sunstein Kann Murphy & Timbers LLP  
125 SUMMER STREET  
BOSTON MA 02110-1618

In re Application of: HILTON et al.  
Application No. 12/813,253  
Atty Docket #: **2686/155**  
Filed: June 10, 2010  
For: **ONTOLOGICAL FILTERING USING  
SPATIAL BOUNDARY OF 3D OBJECTS**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY PROGRAM  
AND PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed March 30, 2011 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:



- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

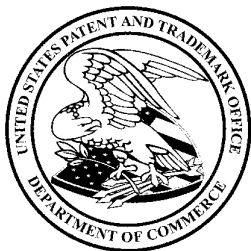
All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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Decision Date : February 13, 2012

In re Application of :

James Brennan

Application No : 12813262

Filed : 10-Jun-2010

Attorney Docket No : 022720.0179PTUS

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by Scott Chambers (registration no. 37573 ) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Prescient Medical, Inc.  
Name2  
Address 1 2005 South Easton Road, Suite 204  
Address 2  
City Doylestown  
State PA  
Postal Code 18901  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12813262	
Filing Date	10-Jun-2010	
First Named Inventor	James Brennan	
Art Unit	2886	
Examiner Name	JONATHON COOK	
Attorney Docket Number	022720.0179PTUS	
Title	OPTICAL APPARATUS FOR COMBINED HIGH WAVENUMBER RAMAN SPECTROSCOPY AND SPECTRAL DOMAIN OPTICAL COHERENCE TOMOGRAPHY	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">32042</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Prescient Medical, Inc.	
Address	2005 South Easton Road, Suite 204	
City	Doylestown	
State	PA	
Postal Code	18901	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Scott A. Chambers/
Name	Scott Chambers
Registration Number	37573

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 91973-802157 (001510US)

Application Number  
(if known): 12/813,275

Filing date: June 10, 2010

First Named  
Inventor: FREDERICK M. ESPIAU

Title: PLASMA LAMP WITH DIELECTRIC WAVEGUIDE HAVING A DIELECTRIC CONSTANT OF LESS THAN TWO

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Dah-Bin Kao/

Date September 29, 2011

Name  
(Print/Typed) Dah-Bin Kao

Registration Number 53,092

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FREDERICK M. ESPIAU *et al.*

Application No.: 12/813,275

Filed: June 10, 2010

For: PLASMA LAMP WITH  
DIELECTRIC WAVEGUIDE  
HAVING A DIELECTRIC  
CONSTANT OF LESS THAN  
TWO

Customer No.: 20350

Confirmation No.: 6632

Examiner: Unassigned

Art Unit: 2821

**PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY  
PILOT PROGRAM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on August 25, 2011, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that another publication is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the required amount.

By filing this petition, Applicants agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice



entitled “Pilot Program for Green Technologies Including Greenhouse Gas Reduction” that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT**

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The claimed invention relates generally to lighting techniques, and provides a method and device using an electrodeless plasma lighting device having a dielectric waveguide of a dielectric constant of less than two. More particularly, the invention provides a method and apparatus having an electrodeless plasma lighting device using a ceramic resonator structure of a dielectric constant of less than two. The invention can be applied to a variety of applications including a warehouse lamp, stadium lamp, lamps in small and large buildings, vehicle headlamps, aircraft landing, bridges, warehouses, ultraviolet water treatment, agriculture, architectural lighting, stage lighting, medical illumination, microscopes, projectors and displays, any combination of these, and the like.

Benefits are achieved over pre-existing techniques using the present invention. In a specific embodiment, the present invention provides a method and device having configurations of input, output, and feedback coupling elements that provide for electromagnetic coupling to the bulb whose power transfer and frequency resonance characteristics that are largely dependent upon a waveguide body having at least two materials. In a preferred embodiment, the present invention provides a method and configurations with an arrangement that provides for improved manufacturability as well as design flexibility. Other embodiments may include integrated assemblies of the output coupling element and bulb that function in a complementary manner with the present coupling element configurations and related methods for street lighting applications. In a preferred embodiment, the waveguide body comprises at least one dielectric material

having a dielectric constant of two or less, which increases capacitance of the resonator and reduces overall size of the plasma lamp apparatus. For example, the dielectric material consists essentially of air (e.g., with a dielectric constant of about 1). In contrast, various types of conventional electrodeless lamps utilize high dielectric constant material in the waveguide to reduce the size of the waveguide. In certain embodiments of the present invention, dielectric materials such as air or fluid are used. For example, a portion or the entirety of a waveguide is filled with air. It is to be appreciated that air filled portion of the waveguide, compared to waveguide filled by high-dielectric constant material, has a reduced amount of RF loss (up to about 1 decibel) compared to conventional waveguide with high dielectric constant material, thereby improving performance. In addition, by filling a portion or an entirety of the waveguide with air instead of material with high dielectric constant, the manufacturing costs and weight of the waveguide are reduced. There are other benefits as well. In a specific embodiment, the present method and resulting structure are relatively simple and cost effective to manufacture for commercial applications. Depending upon the embodiment, one or more of these benefits may be achieved.

A preliminary amendment is filed herewith to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

Moreover, the application does not contain any multiple dependent claims.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao  
Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63748494 v1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,275	06/10/2010	Frederick M. Espiau	91973-802157 (001510US)	6632
20350 7590 11/10/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			NOTIFICATION DATE	DELIVERY MODE
			11/10/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

In re Application of	:	
ESPIAU et al.	:	DECISION ON PETITION
Application No. 12/813275	:	TO MAKE SPECIAL UNDER
Filed: June 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-802157 (001510US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to a plasma lamp having a waveguide body, a power source, and a bulb having a fill which forms a plasma. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. The mere prediction of improved manufacturability and design flexibility does not appear to result in more efficient utilization or conservation of energy resources.

Further, it is noted that in the "Statement of Special Status for Eligibility Requirement" section, Applicant has misspelled resources as "recourses."

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

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Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FREDERICK M. ESPIAU *et al.*

Application No.: 12/813,275

Filed: June 10, 2010

For: PLASMA LAMP WITH  
DIELECTRIC WAVEGUIDE  
HAVING A DIELECTRIC  
CONSTANT OF LESS THAN  
TWO

Customer No.: 20350

Confirmation No.: 6632

Examiner: Unassigned

Art Unit: 2821

**REQUEST FOR RECONSIDERATION  
OF DECISION ON PETITION TO  
MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT  
PROGRAM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

The Decision mailed on November 10, 2011 dismissed Applicants' Petition to Make Special Under the Green Technology Pilot Program submitted on September 28, 2011. The Decision states that the originally-filed Petition satisfies all requirements under the Pilot program, with the exception that that Applicants' statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. Specifically, the Decision indicates that it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is item Bii of the requirement cited in the Decisions).

Applicants respectfully request reconsideration because the claimed invention relates to plasma lamps that are known in the art to be more energy efficient than conventional lamps, thereby contributes to more efficient utilization of energy

resources. See, for example, the Wikipedia article on Plasma Lamp ([http://en.wikipedia.org/wiki/Plasma\\_lamp](http://en.wikipedia.org/wiki/Plasma_lamp)), a portion of which is reproduced below for easy reference.

**“High-efficiency plasma lighting is the class of plasma lamps that have system efficiencies of 90 lumens per watt or more. Lamps in this class are potentially the most energy-efficient light source** for outdoor, commercial and industrial lighting. This is due not only to their high system efficiency but also to the small light source they present enabling very high luminaire efficiency.

Luminaire Efficacy Rating (LER) is the single figure of merit the National Electrical Manufacturers Association has defined to help address problems with lighting manufacturers' efficiency claims [5] and is designed to allow robust comparison between lighting types. . . .

**Many modern plasma lamps, . . . have very small light sources—far smaller than HID bulbs or fluorescent tubes—leading to much higher luminaire efficiencies** also. High intensity discharge lamps have typical luminaire efficiencies of 55%, and fluorescent lamps of 70%. **Plasma lamps typically have luminaire efficiencies exceeding 90%.”**

Applicants submit that the claimed invention provides devices and methods for improving plasma lamps, thereby contributes to more efficient utilization of energy resources. Therefore, the claimed invention satisfies item Bii of the requirements cited in the Decisions. According, Applicants believe that the petition is grantable and respectfully request reconsideration of the petition.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao, Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63856574 v1





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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,275	06/10/2010	Frederick M. Espiau	91973-802157 (001510US)	6632
20350 7590 12/12/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			NOTIFICATION DATE	DELIVERY MODE
			12/12/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

12/12/11

In re Application of	:	
Frederick M. Espiau et al.	:	DECISION ON PETITION
Application No. 12/813,275	:	TO MAKE SPECIAL UNDER
Filed: June 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-802157 (001510US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

**MAILED**

JAN 06 2012

**OFFICE OF PETITIONS**

In re Application of  
ESPIAU, et al.  
Application No. 12/813,275  
Filed: June 10, 2010  
Attorney Docket No. 91973-802157  
(001510US)

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed September 29, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 28, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice was mailed on May 19, 2011 and the application was published on August 25, 2011.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center Art Unit 2821 for examination in due course.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

Cc:

**DAH-BIN KAO**  
**1080 MARSH ROAD**  
**MENLO PARK, CA 94025**



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**PATTON BOGGS LLP  
8484 WESTPARK DRIVE  
SUITE 900  
MCLEAN VA 22102**

**MAILED**

**FEB 27 2012**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Eric T. Marple et al.	:	
Application No. 12/813,312	:	<b>DECISION ON PETITION</b>
Filed: June 10, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. 022720.0178PTUS	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2012.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

According to the records an assignment was recorded on August 23, 2010. In order to change the correspondence address and grant the request to withdraw from record, a copy of the actual assignment or a statement under 37 CFR 3.73(b), must be submitted.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,342	06/10/2010	Andras Tantos	3382-84206-02	6750

26119	7590	10/01/2010
KLARQUIST SPARKMAN LLP		
121 S.W. SALMON STREET		
SUITE 1600		
PORTLAND, OR 97204		

EXAMINER	
TSAI, HENRY	

ART UNIT	PAPER NUMBER
2184	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
valerie.sullivan@klarquist.com





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KLARQUIST SPARKMAN LLP  
121 S.W. SALMON STREET  
SUITE 1600  
PORTLAND OR 97204

In re Application of: TANTOS et al.	:	
Serial No.: 12/813,342	:	DECISION ON PETITION TO
Filed: June 10, 2010	:	MAKE SPECIAL FOR NEW
Docket: 3382-84206-02	:	APPLICATION UNDER 37
Title: CONFIGURABLE CONNECTOR FOR	:	C.F.R. § 1.102 & M.P.E.P. §
SYSTEM-LEVEL COMMUNICATION	:	708.02
	:	

This is a decision on the petition filed on June 10, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Mano Padmanabhan at (571) 272-4210. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

/Mano Padmanabhan/

---

Mano Padmanabhan,  
Quality Assurance Specialist  
Technology Center 2100  
Computer Architecture, Software and Information Security

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 83142445	Application Number (if known): 12/813,343	Filing date: 06-10-2010
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First Named Inventor: Hai Yu
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Title: VEHICLE STEERABILITY AND STABILITY CONTROL VIA INDEPENDENT WHEEL TORQUE CONTROL ITCH INFORMATION
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**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Angela M. Brunetti/	Date 3/21/11
--------------------------------	--------------

Name Angela M. Brunetti (Print/Typed)	Registration Number 41,647
--	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,343	06/10/2010	Hai Yu	83142445	6752
77327 7590 04/11/2011 ANGELA M. BRUNETTI, PLLC 3233 Lake Forest Dr. Sterling Heights, MI 48314			EXAMINER TRAN, KHOI H	
			ART UNIT 3664	PAPER NUMBER
			NOTIFICATION DATE 04/11/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ANGELA@I3LAW.COM  
LISA@I3LAW.COM



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APR 08 2011

ANGELA M. BRUNETTI, PLLC  
3233 Lake Forest Dr.  
Sterling Heights MI 48314

In re Application of	:	
Hai YU et al.	:	DECISION ON PETITION
Application No. 12/813,343	:	TO MAKE SPECIAL UNDER
Filed: June 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83142445	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 21, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview

if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 8 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the \$300 early publication fee in accordance with this notice.

The petition lacks item 4.

In regard to item 4, the disclosure of the application does not explain how a wheel torque control and method for controlling a vehicle to enhance the stability and steerability of a hybrid/electric vehicle would reduce fuel consumption. There is nothing in the disclosure of the application that explains how the claimed system and method materially enhances the quality of the environment, or materially contributes to the more efficient utilization and conservation of energy resources. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, as there is no materiality statement, it is unclear as to how the claimed invention would materially contribute to category (A) or (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3664 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,354	06/10/2010	Gregory T. Grefenstette	A1320Q-US-CNT1	6783

25453	7590	03/30/2012
PATENT DOCUMENTATION CENTER		
XEROX CORPORATION		
100 CLINTON AVE SOUTH		
MAILSTOP: XRX2-020		
ROCHESTER, NY 14644		

EXAMINER	
NGUYEN, CAM LINH T	

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
03/30/2012	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usa.ogc.docket@xerox.com  
OfficeAction@xerox.com





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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Timothy E. Bianchi  
Patent Documentation Center  
Xerox Corporation  
100 Clinton Ave, South  
Mail Stop: XRX2-020  
Rochester, NY 14644

*In re* Application of:  
Gregory T. GREFENSLETTE et al.  
Appl. No.: 12/813,354  
Filed: June 10, 2010  
For: SYSTEM FOR AUTOMATICALLY GENERATING  
QUERIES

DECISION ON PETITION  
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed on 08 February 2012, to expunge the materials submitted pursuant to MPEP § 724.02.

The petition is **GRANTED**.

Petitioner requests that the materials in a sealed envelopes submitted on 08 February 2012 be expunged from the record. Petitioner states that the materials are trade secret. The petition fee set forth in 37 CFR 1.17(g) has been paid.

Applicant is required to retain a copy of the expunged materials for the life of any patent, which issues on the above-identified application.

The expunged materials have been removed from the official file and will be forwarded to the shred room to be shredded. The petition and support document have been closed from public view.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/

Vincent N. Trans, QAS  
Technology Center 2100  
Computer Architecture and Software

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12813374	
Filing Date	10-Jun-2010	
First Named Inventor	Brian Russell	
Art Unit	2612	
Examiner Name	THOMAS MULLEN	
Attorney Docket Number	ZEP-106	
Title	Electric field sensing device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		64713 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Zephyr Technology Corporation	
Address	1 Annapolis Street, Suite 200	
City	Annapolis	
State	MD	
Postal Code	21401	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Melvin Barnes/
Name	Melvin Barnes
Registration Number	38375



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 20, 2012

In re Application of :

Brian Russell

Application No : 12813374

Filed : 10-Jun-2010

Attorney Docket No : ZEP-106

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 20, 2012

The request is **APPROVED**.

The request was signed by Melvin Barnes (registration no. 38375 ) on behalf of all attorneys/agents associated with Customer Number 64713 . All attorneys/agents associated with Customer Number 64713 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Zephyr Technology Corporation

Name2

Address 1 1 Annapolis Street, Suite 200

Address 2

City Annapolis

State MD

Postal Code 21401

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

LAW OFFICE OF SALVATORE ARRIGO AND SCOTT LEE, LLP  
1050 CONNECTICUT AVE. NW  
10TH FLOOR  
WASHINGTON DC 20036

**MAILED**

**JUL 21 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
CHARNEAU et al.	:	
Application No. 12/813,375	:	DECISION DISMISSING PETITION
Filed: June 10, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. DI96-69-D	:	AND 37 CFR 1.55(c)
	:	

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed May 13, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT.**

The petition is accompanied by an amendment to the first sentence of the specification (page 1, line 1), following the title to include a reference to the prior-filed nonprovisional applications and a prior-filed foreign application. While a reference to the prior-filed nonprovisional applications and prior-filed foreign application was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.


Where a claim for priority under 37 CFR § 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or

declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(3).<sup>1</sup> In the present case, the Office noted the claim for priority to the prior-filed provisional applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

It is noted that the amendment improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

In view of the above, the \$1410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.



David Bucei  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,416	06/10/2010	Fujiko Nobe	SUTOSH.623AUS	6929

7590 01/04/2011  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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ART UNIT	PAPER NUMBER
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2173

NOTIFICATION DATE	DELIVERY MODE
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01/04/2011

ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

Adjusted date: 01/34/2011  
12/813,416  
01/04/2011  
00000000 12/813,416  
01/04/2011  
-346.00



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

**MAILED**

**NOV 14 2011**

**OFFICE OF PETITIONS**

In re Application of Lam et al. :  
Application No. 12/813,419 :  
Filing Date: June 10, 2010 :  
Attorney Docket No. MBMC5.001AUS :  
Pub. No.: US 2010/0315693 A1 :  
Pub. Date: December 16, 2010 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 16, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff  
Petitions Examiner  
Office of Petitions





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THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C. **MAILED**  
215 W. FALLBROOK AVENUE  
SUITE 203  
FRESNO CA 93711  
MAY 20 201

MAY 20 2011

OFFICE OF PETITIONS

In re Application of  
Xiaopeng Chen et al.  
Application No. 12/813,467  
Filed: June 10, 2010  
Attorney Docket No. **MP0541RE**

# DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper. The assignee name listed in the request is not of record.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

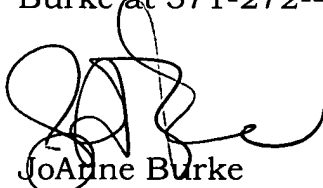
*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.



JoAnne Burke  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C. MAY 20 2011  
215 W. FALLBROOK AVENUE  
SUITE 203  
FRESNO CA 93711

**OFFICE OF PETITIONS**

In re Application of	:	
Xiaopeng Chen et al.	:	
Application No. 12/813,470	:	DECISION ON PETITION
Filed: June 10, 2010	:	TO WITHDRAW
Attorney Docket No. MP0541C1RE	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper. The assignee name listed in the request is not of record.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD VA 22116**

**MAILED**

**OCT 04 2010**

**OFFICE OF PETITIONS**

In re Application of  
Ko-Chiang LIN  
Application No. 12/813,478  
Filed: June 10, 2010  
Attorney Docket No. ISCP0006USA

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **KLEIN, O'NEILL & SINGH, LLP  
18200 VON KARMAN AVENUE  
SUITE 725  
IRVINE CA 92612**



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MORRIS MANNING MARTIN LLP  
3343 PEACHTREE ROAD, NE  
1600 ATLANTA FINANCIAL CENTER  
ATLANTA GA 30326

MAILED

SFP 2 2 2010

OFFICE OF PETITIONS

In re Application of :  
Huang et al. : DECISION REFUSING STATUS  
Application No. 12/813,591 : UNDER 37 CFR 1.47(a)  
Filed: June 11, 2010 :  
Attorney Docket No. 14970-74724 :

This is in response to the petition under 37 CFR 1.47(a), filed June 11, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing legal representative. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing legal representative Yi-Chuan He, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor's legal representative is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the legal representative.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing Yi-Chuan He. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to Yi-Chuan He's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the legal representative's last known address. Therefore, at the very least, petitioner should mail correspondence to the legal representative's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Yi-Chuan He's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding

of refusal by conduct. If the papers are returned and all other attempts to locate or reach the legal representative, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the legal representative cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted legal representative's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted legal representative gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further, it is unclear whether or not the legal representative, Yi-Chuan He, was presented with a copy of the complete application.

As to item (2), pursuant to MPEP 409.01(a), the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. The legal representative should be identified as such in the oath or declaration submitted pursuant to 37 CFR 1.63 and 1.64.

Finally, the copy of the official death certificate of Chao Yang Chen provided with the instant petition is in Chinese. Petitioner must submit an English translation with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By Hand:                    U. S. Patent and Trademark Office  
                                    Customer Window, Mail Stop PETITIONS  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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MORRIS MANNING MARTIN LLP  
3343 PEACHTREE ROAD, NE  
1600 ATLANTA FINANCIAL CENTER  
ATLANTA GA 30326

**MAILED**  
**APR 20 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Huang et al. : DECISION REFUSING STATUS  
Application No. 12/813,591 : UNDER 37 CFR 1.47(a)  
Filed: June 11, 2010 :  
Attorney Docket No. 14970-74724 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 22, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has now complied with item (1) listed above. However, petitioner continues to lack item (2) as set forth above. Although petitioner has now complied by submitting a Supplemental Declaration Sheet for the legal representative of the deceased inventor, the declaration has been signed by the co-inventors. A declaration signed by all the available joint inventors with the signature block of the nonsigning legal representative(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning legal representative(s), unless otherwise indicated. Accordingly, a declaration with the signature block of Yi-Chuan He left blank should be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
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Post Office Box 1450




Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office  
Customer Window, Mail Stop PETITIONS  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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[www.uspto.gov](http://www.uspto.gov)

MORRIS MANNING MARTIN LLP  
3343 PEACHTREE ROAD, NE  
1600 ATLANTA FINANCIAL CENTER  
ATLANTA GA 30326

**MAILED**  
**JUL 19 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Huang et al.	:	
Application No. 12/813,591	:	DECISION GRANTING STATUS
Filed: June 11, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 14970-74724	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 17, 2011.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning legal representative, Yi-Chuan He, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning legal representative at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2622 for examination on the merits.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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**YI-CHUAN HE**  
**NO. 9, ALY. 1, LN. 6, ZHENAN RD.**  
**DADU TOWNSHIP, TAICHUNG COUNTY 432**  
**TAIWAN (R.O.C.)**

**MAILED**

**JUL 19 2011**

**OFFICE OF PETITIONS**

In re Application of  
Huang et al.  
Application No. 12/813,591  
Filed: June 11, 2010  
Attorney Docket No. 14970-74724

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:

ON PETITION

Ms. He,

You are named as a legal representative of a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a legal representative of a joint inventor.

As the legal representative of a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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BLYNN L. SHIDELER  
THE BLK LAW GROUP  
3500 BROOKTREE ROAD  
SUITE 200  
WEXFORD PA 15090

**MAILED**

NOV 04 2010

**OFFICE OF PETITIONS**

In re Application of  
Richard J. Arnott et al.  
Application No. 12/813,632  
Filed: June 11, 2010  
Attorney Docket No. Arnott-1003

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the petition filed September 23, 2010 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on June 11, 2010 without an oath or declaration. Accordingly, on June 25, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a one month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioner claims that joint inventors Cano and Loebig refuse to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to the joint inventors however, Attorney Randy Notzen has replied on behalf of joint inventors Cano and Loebig that neither is interested in signing the declaration and both refuse to cooperate with the filing of the instant application.

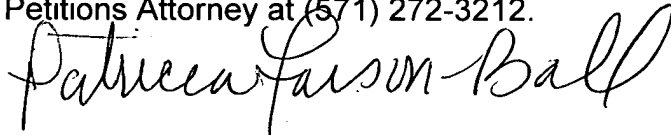
The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee, filing fees and the extension of time fee have been charged to deposit account no. 50-2800.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Wei Xiong )  
Confirmation No.: 7420 )  
Serial No.: 12/813,650 )  
Filing Date: 06-11-2010 )  
Atty Docket No.: 236440 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 7, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0551-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 236440

Application Number  
(if known): 12/813650

Filing date: 06-11-2010

First Named  
Inventor: Wei Xiong

Title: WIND TURBINE BLADES WITH CONTROLLABLE AERODYNAMIC VORTEX ELEMENTS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 01-07-2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,650	06/11/2010	WEI XIONG	236440/GEC-114	7420

87853 7590 01/19/2011  
Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville, SC 29602

EXAMINER
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ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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01/19/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
XIONG, WEI	:	DECISION ON PETITION
Application No. 12/813,650	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 236440/GEC/114	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to development of renewable energy and energy conservation. This is not convincing. For example, it is not clear how the claimed wind turbine with a suction and pressure side with vortex elements will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. In particular, claims 1 and 14 merely call for an axial fan.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Wei Xiong )  
Confirmation No.: 7420 )  
Serial No.: 12/813,650 )  
Filing Date: 06-11-2010 )  
Atty Docket No.: 236440 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 19 January 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to turbine blades having an aerodynamic surface configuration. Wind turbine blades have the cross-sectional profile of an airfoil such that, during operation, air flows over the blade producing a pressure difference between the sides. Consequently, a lift force, which is directed from a pressure side towards a suction side, acts on the blade. The lift force generates torque on the main rotor shaft, which is geared to a generator for producing electricity. Airflow over the leading edge of the blade is mainly laminar in an "attached-flow" region. The lift force is generated primarily in this attached-flow region. As the air moves

towards the trailing edge of the blade, flow separation occurs and the air flow transitions to a "detached-flow" region where the flow is more turbulent. Flow separation depends on a number of factors, such as incoming air flow characteristics (e.g. Reynolds number, wind speed, in-flow atmospheric turbulence) and characteristics of the blade (e.g. airfoil sections, blade chord and thickness, twist distribution, pitch angle, etc). The detached-flow region also leads to an increase in drag force, mainly due to a pressure difference between the upstream attached-flow region and the downstream detached-flow region. Hence, in order to increase the energy conversion efficiency during normal operation of the wind turbine, it is desired to increase the lift force while decreasing the drag force. To this purpose, it is advantageous to increase the attached-flow region and to reduce the detached-flow region by having the flow separation nearer the trailing edge of the blade, i.e. in a downstream region of the blade.

The embodiments disclosed herein achieve the advantages discussed above by providing a wind turbine blade comprising vortex elements, which may be characterized as "dynamic" in that they are activated or deployed between different operational positions. In particular, the vortex elements are activated to a first retracted position wherein the elements are inwardly recessed relative to a neutral plane of the respective surface on which they are formed. The vortex elements are deployed or activated to a second extended position that is outwardly protruding relative to the neutral plane of the surface on which they are formed.

The present invention materially contributes to the development of renewable energy by providing a more efficient wind turbine blade. By increasing the lift force while decreasing the drag force, the present invention increases wind turbine energy conversion efficiency, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: February 5, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,650	06/11/2010	WEI XIONG	236440/GEC-114	7420
87853	7590	02/17/2011		
Dority & Manning, PA and General Electric Company Post Office Box 1449 Greenville, SC 29602			EXAMINER	
			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			02/17/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
XIONG, WEI	:	DECISION ON PETITION
Application No. 12/813,650	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 236440/GEC/114	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Feb. 8, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700





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THOMAS A. O'ROURKE  
BODNER & O'ROURKE, LLP  
425 BROADHOLLOW ROAD, STE 120  
MELVILLE NY 11747

**MAILED**

**AUG 22 2011**

**OFFICE OF PETITIONS**

In re Application of  
Liang, et al.  
Application No. 12/813,676  
Filed: 11 June, 2010  
Attorney Docket No. (None)

DECISION

This is a decision on the petition filed on 5 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

**NOTE:**

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>1</sup> In the event that such an inquiry has not been made, Petitioner **must** make such an inquiry.

If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

**As to the Allegations  
of Unintentional Delay**

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

<sup>1</sup> See 37 C.F.R. §11.18(b), formerly §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Application No. 12/813,676

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

### BACKGROUND

Applicants failed to reply timely and properly to the Notice to File Corrected Application Papers mailed on 23 August, 2010, with reply due absent extension of time on or before 23 October, 2010.

The application went abandoned after midnight 23 October, 2010.

Petitioner filed a revocation/power of attorney, but no other papers, on 3 January, 2011.

The Office mailed the Notice of Abandonment on 28 April, 2011.

On 5 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, and pointed to a reply in the form of replacement drawings due, and made the statement of unintentional delay.

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).<sup>3</sup>

<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>3</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

Application No. 12/813,676

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>4</sup>))

As to Allegations of  
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.


Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

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<sup>4</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/813,676

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>5</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>5</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/813,716	Filing Date:	June 11, 2010
First Named Inventor:	Wataru IKEDA et al.	Attorney Docket No.:	2010_0810A
Title of the Invention:	PLAYBACK DEVICE, INTEGRATED CIRCUIT, RECORDING MEDIUM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT**

**application number(s) is/are:** PCT/JP2010/003876 claiming priority to U.S. provisional 61/186,481, to which the present application also claims benefit

**The international date of the corresponding**

**PCT application(s) is/are:** June 10, 2010

**I. List of Required Documents:**

**a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ is attached.

☐ is not attached because the document is already in the U.S. application.

**b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ is attached.

☐ is not attached because the document is already in the U.S. application.

**c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

**d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ is attached.

☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_.

**(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/813,716
First Named Inventor:	Wataru IKEDA et al.

### II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	1	Identical
20	2	Identical
21	3	Identical
22	4	Identical
23	5	Identical
24	10	Identical
25	11	Identical
26	12	Identical
27	14	Identical
28	17	Identical
29	18	Identical

### III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/W. Douglas Hahm/ 2011.02.22 14:14:56 -05'00'	Date: February 22, 2011
Name: (Print/Type)	W. Douglas Hahm	Registration No. 44,142

# 特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人 中島司朗 様 あて名 〒531-0072 日本国大阪府大阪市北区豊崎三丁目2番1号淀川5 番館6F		PCT 国際調査機関の見解書 （法施行規則第40条の2） [PCT規則43の2.1]	
		発送日 (日.月.年) 14.09.2010	
出願人又は代理人 の書類記号 P055493P0C10		今後の手続きについては、下記2を参照すること。	
国際出願番号 PCT/JP2010/003876	国際出願日 (日.月.年) 10.06.2010	優先日 (日.月.年) 12.06.2009	
国際特許分類 (IPC) Int.Cl. H04N13/04(2006.01)i, G11B20/12(2006.01)i, G11B27/00(2006.01)i, H04N5/92(2006.01)i			
出願人 (氏名又は名称) パナソニック株式会社			

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☒ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☒ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☒ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日 02.09.2010			
名称及びあて先 日本国特許庁 (ISA/JP) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号		特許庁審査官 (権限のある職員) 伊東 和重 電話番号 03-3581-1101 内線 3581	SP 8839

## 第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である \_\_\_\_\_ 語に翻訳された、この国際出願の翻訳文  
(PCT規則12.3(a)及び23.1(b))

2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a. 提出手段 ☐ 紙形式

☐ 電子形式

b. 提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：



## 第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成

次に関して、当該請求の範囲に記載されている発明の新規性、進歩性又は産業上の利用可能性につき、次の理由により審査しない。

☐ 国際出願全体

☒ 請求項 13, 15, 16

理由：

☒ この国際出願又は請求項 13, 15, 16 は国際調査をすることを要しない次の事項を内容としている（具体的に記載すること）。

請求項 13, 15, 16 は「記録媒体」の発明である。しかし記録媒体に記録された情報の内容にのみ特徴があり、情報の内容のみで特徴付けられている情報の単なる提示に該当する。よって PCT 第 17 条(2)(a)(i) 及び PCT 規則 39.1 の規定により、この国際調査機関が調査することを要しない対象に係るものである。

☐ 明細書、請求の範囲若しくは図面（次に示す部分）又は請求項 \_\_\_\_\_ の記載が不明確であるため、見解を示すことができない（具体的に記載すること）。

☐ 全部の請求項又は請求項 \_\_\_\_\_ が、明細書による十分な裏付けを欠くため、見解を示すことができない（具体的に記載すること）。

☐ 請求項 \_\_\_\_\_ について、国際調査報告が作成されていない。

☐ 入手可能な配列表が存在せず、有意義な見解を示すことができなかった。  
出願人は所定の期間内に、

☐ 実施細則の附属書 C に定める基準を満たす紙形式の配列表を提出しなかったため、国際調査機関は、認められた形式及び方法で配列表を入手することができなかった。

☐ 実施細則の附属書 C に定める基準を満たす電子形式の配列表を提出しなかったため、国際調査機関は、認められた形式及び方法で配列表を入手することができなかった。

☐ PCT 規則 13 の 3.1(a) 又は (b) に基づく命令に応じた、要求された配列表の遅延提出手数料を支払わなかった。

☐ 詳細については補充欄を参照すること。

## 第IV欄 発明の単一性の欠如

1. ☒ 追加手数料の納付命令書（様式PCT/ISA/206）に対して、出願人は、規定期間内に、
- ☒ 追加手数料を納付した。
- ☐ 追加手数料及び、該当する場合には、異議申立手数料の納付と共に、異議を申し立てた。
- ☐ 追加手数料の納付と共に異議を申し立てたが、規定の異議申立手数料を支払わなかった。
- ☐ 追加手数料を納付しなかった。
2. ☐ 国際調査機関は、発明の単一性の要件を満たしていないと判断したが、追加手数料の納付を出願人に求めないこととした。
3. 国際調査機関は、PCT規則13.1、13.2及び13.3に規定する発明の単一性を次のように判断する。

☐ 満足する。

☒ 以下の理由により満足しない。

請求項1-12に係る発明は、ケーパビリティレジスタに示された能力に従って、グラフィクスストリームの再生タイプを選択する発明である。

請求項14に係る発明は、記録媒体挿入時にフォーマット・フレームレート情報を読み出して再生装置の出力モード情報として利用することにより、再生装置と相手側装置のネゴシエーションによる起動遅延を短縮する発明である。

請求項17、18に係る発明は、エントリーマップのエントリーによって示されているピクチャデータをランダムに再生するために、拡張エントリーマップのエントリーを基本エントリーマップのエントリーと同一の時刻のエントリーとする発明である。

従って、請求項1-12に係る発明、請求項14に係る発明、請求項17、18に係る発明は、互いに同一又は関連する技術的特徴を有していない。

4. したがって、国際出願の次の部分について、この見解書を作成した。

☐ すべての部分

☒ 請求項 1-12, 14, 17, 18 に関する部分

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1-12, 14, 17, 18	有
	請求項		無
進歩性 (IS)	請求項	1-5, 10-12, 14, 17, 18	有
	請求項	6-9	無
産業上の利用可能性 (IA)	請求項	1-12, 14, 17, 18	有
	請求項		無

2. 文献及び説明

文献1: JP 11-191895 A (松下電器産業株式会社) 1999. 07. 13, 段落【0017】-【0064】,  
図1-19 & US 6925250 B1 & EP 1011268 A1 & WO 99/012348 A1 & CN 1269941  
A1 & KR 2000-0057426 A

文献2: JP 2006-135747 A (キヤノン株式会社) 2006. 05. 25, 段落【0016】-【0030】,  
図1 (ファミリーなし)

文献3: WO 2005/124780 A1 (松下電器産業株式会社) 2005. 12. 29, 段落【0018】-  
【0083】, 図1-28 & JP 2006-50570 A & US 2006/0078301 A1 & EP 1758121  
A1 & KR 10-2007-0020126 A & CN 1728806 A

文献4: WO 2008/108084 A1 (パナソニック株式会社) 2008. 09. 12, 全文, 全図 & US  
2010/0031347 A1 & EP 2116934 A1 & KR 10-2009-0122909 A & CN 101589369  
A

文献1には、光ディスク再生装置の発明が記載されている。文献1の図15では、  
立体映像が記録されており、且つ、立体再生が選択されている時には、立体映像を再  
生する。その他の場合には、平面映像を再生する。

文献2には、三次元画像変換装置の発明が記載されている。文献2では、表示装置  
の形式が接続端子を介して通知される。表示装置が三次元画像を表示できるとき  
には、前記表示装置が表示できる形式で三次元画像を出力する。表示装置が二次元画  
像しか表示できないときには、二次元画像を出力する。

本願の請求項6-9に係る発明は、文献1, 2から進歩性を有しない。立体映像が  
記録されているか、立体再生が選択されているか、及び表示装置が三次元画像を表示  
できるか、に基づいて、立体映像を再生するか平面映像を再生するかを選択すること  
は、公知技術の単なる寄せ集めにすぎない。

## 第VI欄 ある種の引用文献

## 1. ある種の公表された文書(PCT規則43の2.1及び70.10)

出願番号 特許番号	公知日 (日. 月. 年)	出願日 (日. 月. 年)	優先日 (有効な優先権の主張) (日. 月. 年)
WO 2009/090868 A1 「E, A」	23. 07. 2009	14. 01. 2009	17. 01. 2008

## 2. 書面による開示以外の開示(PCT規則43の2.1及び70.9)

書面による開示以外の開示の種類	書面による開示以外の開示の日付 (日. 月. 年)	書面による開示以外の開示に言及している 書面の日付 (日. 月. 年)
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## 補充欄

いずれかの欄の大きさが足りない場合

## 第 V 欄の続き

文献3には、ブルーレイディスクの再生装置の発明が記載されている。文献3では、ブルーレイディスクに記録されたビデオストリーム及びグラフィックストリームを再生している。

本願の請求項1-5に係る発明は、新規性、進歩性を有する。再生装置がグラフィックストリームの立体視再生能力を有するか否かを示すケーパビリティレジスタを備え、ケーパビリティレジスタに示される再生能力にしたがってグラフィックストリームの再生タイプを選択することは、文献1-3には記載されていない。

本願の請求項10に係る発明は、新規性、進歩性を有する。再生装置に接続される表示装置が立体視眼鏡の着用が不要な場合に立体視出力モードに設定することは、文献1-3には記載されていない。

本願の請求項11, 12に係る発明は、新規性、進歩性を有する。再生装置に接続される表示装置が標準画質の場合に立体視出力モードに設定しないことは、文献1-3には記載されていない。

文献4には、再生装置の発明が記載されている。文献4では、アプリケーション起動時の時間遅延を無くす発明が記載されている。

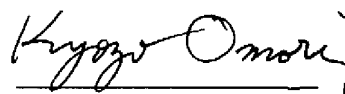
本願の請求項14に係る発明は、新規性、進歩性を有する。再生装置と表示装置とのネゴシエーションに使用する映像フォーマット及びフレームレートの情報を記録媒体挿入時に読み出して、再生装置の出力モード情報として利用することにより、アプリケーションの起動遅延を短縮することは、国際調査報告に列記された文献には記載されていない。

本願の請求項17, 18に係る発明は、新規性、進歩性を有する。エントリーマップのエントリーによって示されているピクチャデータにランダムにアクセスするために、拡張エントリーマップのエントリーを基本エントリーマップのエントリーと同一時刻のエントリーとすることは、国際調査報告に列記された文献には記載されていない。

VERIFICATION OF TRANSLATION

I, Kyozo Omori, translator at Nakajima & Associates IP Firm, 6<sup>th</sup> floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the Written Opinion of the International Searching Authority issued on PCT/JP2010/003876.

Date: February 16, 2011

A handwritten signature in cursive script, reading "Kyozo Omori", written over a horizontal line.

Kyozo Omori

**PATENT COOPERATION TREATY**  
**PCT**  
**WRITTEN OPINION OF THE INTERNATIONAL**  
**SEARCHING AUTHORITY**  
(PCT Rule 43bis.1)

From the INTERNATIONAL SEARCHING AUTHORITY

To:

Shiro NAKAJIMA

6F, Yodogawa 5-Bankan, 2-1,

Toyosaki 3-chome, Kita-ku

Osaka-shi, Osaka 531-0072

JAPAN

Date of mailing (*day/month/year*): 14.09.2010

Applicant's or agent's file reference: P055493P0C10

FOR FURTHER ACTION: See paragraph 2 below

International application No. PCT/JP2010/003876

International filing date (*day/month/year*): 10.06.2010

Priority date (*day/month/year*): 12.06.2009

International Patent Classification (IPC) or both national classification and IPC:

H04N13/04(2006.01)i, G11B20/12(2006.01)i, G11B27/00(2006.01)i,  
H04N5/92(2006.01)i

Applicant: Panasonic Corporation

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive  
step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to  
novelty, inventive step and industrial applicability;  
citations and explanations supporting such statement

- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority (“IPEA”) except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEAa written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of FormPCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion: 02.09.2010

Name and mailing address of the ISA:

Japan Patent Office (ISA/JP)

3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo-to 100-8915



Authorized Officer:

Kazushige ITO 5P 8839

Telephone No.: 03-3581-1101 Extension 3581

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Form PCT/ISA/237 (cover sheet) (July 2009)

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed.
  - ☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 13, 15, 16

because:

☒ the said international application, or the said claims Nos. 13, 15, 16 relate to the following subject matter which does not require an international search (*specify*):

*Claims 13, 15, 16 are invention of "recording medium". However, these claims are characterized only by the contents of information recorded on the recording medium, which falls under the case of mere presentation of information. Thus these claims relate to a subject matter which the International Searching Authority is not required, under PCT Article 17(2)(a)(i) and Rule 39. 1, to search.*

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☐ no international search report has been established for said claims Nos. \_\_\_\_\_

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).
- ☐ See Supplemental Box for further details.

**Box No. IV Lack of unity of invention**

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:

- ☒ paid additional fees.
- ☐ paid additional fees under protest and, where applicable, the protest fee.
- ☐ paid additional fees under protest but the applicable protest fee was not paid.
- ☐ not paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

*The invention of Claims 1-12 relates to selecting a playback type of a graphics stream in accordance with the presence or absence of the capability indicated by the capability register.*

*The invention of Claims 14 relates to a playback device that reads format frame rate information from a recording medium when the recording medium is inserted in the playback device, and uses the format frame rate information as output mode information of the playback device, thereby reducing the start delay caused by a negotiation between the playback device and the partner device.*

*The invention of Claims 17 and 18 relates to arranging an entry of an extension entry map to have the same playback time as an entry of a basic entry map so that a piece of picture data indicated by an entry of an entry map can be played back randomly.*

*Accordingly, the invention of Claims 1-12, the invention of Claims 14, and the invention of Claims 17 and 18 do not have in common the same or corresponding special technical feature(s).*

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☐ all parts.

☒ the parts relating to claims Nos. 1-12, 14, 17, 18

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N) Claims 1-12, 14, 17, 18 YES

Claims \_\_\_\_\_ NO

Inventive step (IS)

Claims 1-5, 10-12, 14, 17, 18 YES

Claims 6-9 NO

Industrial applicability (IA)

Claims 1-12, 14, 17, 18 YES

Claims \_\_\_\_\_ NO

2. Citations and explanations:

Citation 1: JP 11-191895 A (Matsushita Electric Industrial Co., Ltd.), 1999.07.13, paragraphs [0017]-[0064], Figs. 1-19, US 6925250 B1, EP 1011268 A1, WO 99/012348 A1, CN 1269941 A1, KR 2000-0057426 A

Citation 2: JP 2006-135747 A (Canon Inc.), 2006.05.25, paragraphs [0016]-[0030], Fig. 1, (no family)

Citation 3: WO 2005/124780 A1 (Matsushita Electric Industrial Co., Ltd.), 2005.12.29, paragraphs [0018]-[0083], Figs. 1-28, JP 2006-50570, US 2006/0078301 A1, EP 1758121 A1, KR 10-2007-0020126 A, CN 1728806 A

Citation 4: WO 2008/108084 A1 (Panasonic Corporation), 2008.09.12, entire text, all drawings, US 2010/0031347 A1, EP 2116934 A1, KR 10-2009-0122909 A, CN 101589369 A

*Citation 1 discloses an invention of an optical disc playback device. Fig. 15 of Citation 1 illustrates that a stereoscopic image is played back when the*

*stereoscopic image has been recorded and the stereoscopic playback has been selected, and otherwise, a monoscopic image is played back.*

*Citation 2 discloses an invention of a three-dimensional image conversion device. In Citation 2, the format of a display device is notified via a connection terminal. When the display device can display a three-dimensional image, the three-dimensional image is output in the form in which the display device can display the image. When the display device can display only two-dimensional images, a two-dimensional image is output.*

*The invention of Claims 6-9 of the present application lacks inventive step over Citations 1 and 2. Selecting either a stereoscopic image or a monoscopic image based on whether the stereoscopic image has been recorded, the stereoscopic playback has been selected, or the display device can display the stereoscopic image is merely a combination of known technologies.*



**Box No. VI Certain documents cited**

**1. Certain published documents (Rules 43bis.1 and 70.10)**

Application No./Patent No. : WO 2009/090868 A1 "E, A"

Publication date (day/month/year): 23.07.2009

Filing date (day/month/year): 14.01.2009

Priority date (valid claim) (day/month/year): 17.01.2008

**2. Non-written disclosures (Rules 43bis.1 and 70.9)**

Kind of non-written disclosure:

Date of non-written disclosure (day/month/year):

Date of written disclosure referring to non-written disclosure (day/month/year):

## **Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

*Citation 3 discloses an invention of a playback device for playing back a Blu-ray disc. In Citation 3, a video stream and a graphics stream recorded on the Blu-ray disc are played back.*

*The invention of Claims 1-5 of the present application has novelty and inventive step. None of Citations 1 to 3 discloses that a playback device has a capability to perform a stereoscopic playback of a graphics stream, and selects a playback type of the graphics stream in accordance with a playback capability indicated by the capability register.*

*The invention of Claim 10 of the present application has novelty and inventive step. None of Citations 1 to 3 discloses that a stereoscopic output mode is set when a display device connected with the playback device does not require for viewers to wear stereoscopic glasses.*

*The invention of Claims 11 and 12 of the present application has novelty and inventive step. None of Citations 1 to 3 discloses that the stereoscopic output mode is not set when the display device connected with the playback device supports a normal-quality image display.*

*Citation 4 discloses an invention of a playback device. Citation 4 discloses an invention for eliminating a time delay when an application is started.*

*The invention of Claim 14 of the present application has novelty and inventive step. None of the Citations listed in the International Search Report discloses that a time delay at the start-up of an application is reduced by reading information of an image format and a frame rate which is to be used in a negotiation between the playback device and the display device from a recording medium when the recording medium is inserted in the playback device, and uses the format frame rate information as output mode information of the playback device.*

*The invention of Claims 17 and 18 of the present application has novelty and inventive step. None of the Citations listed in the International Search Report discloses arranging an entry of an extension entry map to have the same playback time as an entry of a basic entry map so that a piece of picture data indicated by an entry of an entry map can be accessed randomly.*

## 請求の範囲

[請求項1] 記録媒体に記録されたグラフィクスストリームを再生する再生装置であって、

前記記録媒体には、前記再生装置が選択可能なグラフィックスストリームを、ストリーム番号と対応付けて示すストリーム選択テーブルが記録されており、

前記再生装置は、

前記ストリーム選択テーブルに登録されているストリーム番号のうち、再生対象であるグラフィクスストリームに対応するストリーム番号を格納するストリーム番号レジスタと、

前記再生装置のグラフィクス再生能力を示すケーパビリティレジスタとを備え、

グラフィクスストリームの再生タイプには、平面視グラフィクスストリームを用いた再生を行う第1の再生タイプと、左目用グラフィクスストリームと右目用グラフィクスストリームのペアを用いて立体視再生を行う第2の再生タイプとがあり、

前記ケーパビリティレジスタは、左目用グラフィクスストリームと右目用グラフィクスストリームのペアを用いた立体視再生を行う能力が再生装置に存在するか否かを示しており、

前記ケーパビリティレジスタに示される再生能力に従い、前記ストリーム番号レジスタに格納されたストリーム番号に対応するグラフィクスストリームの再生タイプを選択する ことを特徴とする再生装置。

[請求項2]

前記再生装置は、

前記ケーパビリティレジスタが、左目用グラフィクスストリームと右目用グラフィクスストリームのペアを用いた立体視再生を行う能力が再生装置に存在しないことを示す場合、前記第1の再生タイプを選択する

ことを特徴とする請求項 1 記載の再生装置。

[請求項3]

前記記録媒体には、立体視再生モードにおいて、前記再生装置が選択可能なグラフィクスストリームを、ストリーム番号と対応付けて示す拡張ストリーム選択テーブルが記録されており、

前記拡張ストリーム選択テーブルは、識別フラグを含み、

前記識別フラグは、

立体視再生モードにおいて、前記再生装置が選択可能なグラフィクスストリームに、左目用グラフィクスストリームと右目用グラフィクスストリームのペアが存在するか否かを示し、

前記再生装置は、

前記識別フラグが、左目用グラフィクスストリームと右目用グラフィクスストリームのペアが存在する旨を識別フラグが示しており、且つ前記ケーパビリティレジスタが、左目用グラフィクスストリームと右目用グラフィクスストリームのペアを用いた立体視再生を行う能力が再生装置に存在することを示す場合、前記第 2 の再生タイプを選択する

ことを特徴とする請求項 1 記載の再生装置。

[請求項4]

グラフィクスストリームには、プレゼンテーショングラフィクスストリームと、インタラクティブグラフィクスストリームとがある

ことを特徴とする請求項 3 記載の再生装置。

[請求項5]

平面視映像の再生に利用されるメインビュービデオストリームと、前記メインビュービデオストリームと組み合わせられて立体視映像の再生に利用されるサブビュービデオストリームと、グラフィクスストリームと、識別フラグを含むデータを再生する再生装置に搭載される半導体集積回路であって、

前記メインビュービデオストリームは、メインビュートランスポートストリームとして多重化された後、複数のメインビューデータ群に分割され、

前記サブビュービデオストリームは、サブビュートランスポートストリームとして多重化された後、複数のサブビューデータ群に分割され、

前記ストリームデータにおいては、前記メインビューデータ群と前記サブビューデータ群は交互に配置されており、

前記グラフィクスストリームは、前記メインビュートランスポートストリーム及び前記サブビュートランスポートストリームのうち何れか一方、もしくは両方に多重化されており、前記メインビューデータ群とサブビューデータ群の少なくとも何れかは、グラフィクスデータを含み、

前記グラフィクスストリームの再生タイプには、平面視グラフィクスストリームを用いた再生を行う第1の再生タイプと、左目用のグラフィクスストリームと右目用のグラフィクスストリームのペアを用いた立体視再生を行う第2の再生タイプとがあり、

前記識別フラグは、立体視再生モードにおいて、前記グラフィクスストリームに、左目用グラフィクスストリームと右目用グラフィクスストリームのペアが存在するか否かを示し、

前記半導体集積回路は、

前記半導体集積回路の制御を行う主制御部と、

前記ストリームデータを受信し、前記半導体集積回路の内部もしくは外部に設けられたメモリに一旦格納した後、ビデオデータとグラフィクスデータに多重分離するストリーム処理部と、

前記ビデオデータと前記グラフィクスデータをそれぞれデコードする信号処理部と、デコードされた前記ビデオデータを出力するAV出力部とを備えており、

前記ストリーム処理部は、受信した前記ストリームデータの格納先を前記メモリ内の第1の領域と第2の領域との間で切り替える切替部を備えており、

前記主制御部は、前記メインビューデータ群に属しているデータを、前記第1の領域に格納するように前記切替部を制御し、前記サブビューデータ群に属しているデータを、前記第2の領域に格納するように前記切替部を制御し、

前記メモリ内の第3の領域には、前記左目用グラフィクスストリームと右目用グラフィクスストリームのペアを用いた立体視再生を行う能力が前記再生装置に存在するか否かを示した情報が格納されており、

前記主制御部は、前記左目用グラフィクスストリームと右目用グラフィクスストリームのペアを用いた立体視再生を行う能力が前記再生装置に存在するか否かを示した情報と前記識別フラグに従って、前記グラフィクスストリームの再生タイプを選択し、

前記AV出力部は、選択された再生タイプに従って前記デコードされたビデオデータと前記グラフィクスデータを重畳し、重畳されたデータを出力する

ことを特徴とする半導体集積回路。

[請求項6]

記録媒体を再生する再生装置であって、

前記再生装置に接続されている表示装置に立体視表示能力が存在するか否かを示すケーパビリティレジスタと、

自機出力モードを格納しているモードレジスタとを備え、

複数の条件が成立するかどうかを判定して、複数の条件が成立した場合に、前記モードレジスタに立体視出力モードを設定し、

前記複数の条件のうち第1条件は、前記ケーパビリティレジスタが、前記再生装置に接続されている表示装置に立体視表示能力が存在することを示していることであり、

前記複数の条件のうち第2条件は、記録媒体に記録された、出力モードの初期値が立体視出力モードである旨を示すことであり、

ディスク読み込み時に、前記第1条件と前記第2条件が成立するか

どうかの判定を行い、前記第 1 条件と前記第 2 条件が成立した場合、  
前記モードレジスタに立体視出力モードを設定する  
ことを特徴とする再生装置。

[請求項7]

記録媒体を再生する再生装置であって、  
前記再生装置に接続されている表示装置に立体視表示能力が存在する  
か否かを示すケーパビリティレジスタと、  
自機の出力モードを格納しているモードレジスタとを備え、  
複数の条件が成立するかどうかを判定して、複数の条件が成立した  
場合に、前記モードレジスタに立体視出力モードを設定し、  
前記記録媒体には、再生経路を示すプレイリスト情報が記録されて  
おり、

前記複数の条件のうち第 1 条件は、前記ケーパビリティレジスタが  
、前記再生装置に接続されている表示装置に立体視表示能力が存在す  
ることを示していることであり、

前記複数の条件のうち第 2 条件は、再生するプレイリスト情報が、  
立体視用の拡張ストリーム選択テーブルを含むことであり、

前記拡張ストリーム選択テーブルは、立体視再生モードにおいて前  
記再生装置が選択可能なエレメンタリストリームを、ストリーム番号  
と対応付けて示すリストであり、

プレイリスト再生開始時に、前記モードレジスタに格納されている  
出力モードが立体視出力モードの場合、前記第 1 条件と前記第 2 条件  
が成立するかどうかの判定を行い、前記第 1 条件と前記第 2 条件が成  
立した場合、前記モードレジスタに格納されている立体視出力モード  
を維持する

ことを特徴とする再生装置。

[請求項8]

前記再生装置は、前記モードレジスタに格納されている出力モード  
が平面視出力モードであれば、前記複数の条件が成立したとしても、  
モードレジスタに格納されている平面視出力モードを維持する



ことを特徴とする請求項7記載の再生装置。

[請求項9] 前記再生装置は、プレイリストの再生中であれば、前記モードレジスタに格納されている出力モードを維持する

ことを特徴とする請求項7記載の再生装置。

[請求項10] 記録媒体を再生する再生装置であって、  
前記再生装置に接続されている表示装置に立体視表示能力が存在するか否かを示すケーパビリティレジスタと、

自機の出力モードを格納しているモードレジスタとを備え、

所定の条件が成立するかどうかを判定して、所定の条件が成立した場合に、前記モードレジスタに立体視出力モードを設定し、

前記立体視表示能力を有する表示装置には、立体視映像を見る際に、立体視眼鏡の着用が必要なものと不要なものがあり、

前記ケーパビリティレジスタは、要否フラグを含み、前記要否フラグは、前記再生装置に接続されている表示装置に立体視表示能力が存在する場合、立体視映像を見る際に、立体視眼鏡の着用が必要か否かを示し、

前記要否フラグが、立体視映像を見る際に、立体視眼鏡の着用が不要である旨を示している場合、前記所定の条件を満たすと判定し、前記モードレジスタに立体視出力モードを設定する

ことを特徴とする再生装置。

[請求項11] 記録媒体を再生する再生装置であって、  
前記再生装置に接続されている表示装置に立体視表示能力が存在するか否かを示すケーパビリティレジスタと、

自機の出力モードを格納しているモードレジスタとを備え、

所定の条件が成立するかどうかを判定して、所定の条件が成立した場合に、前記モードレジスタに立体視出力モードを設定し、

前記ケーパビリティレジスタは、表示タイプフラグを含み、前記表示タイプフラグは、前記再生装置に接続されている表示装置における

表示方式が標準画質のものか、高画質のものかを示し、表示装置における表示方式が標準画質であれば、前記所定の条件を満たさないと判定する

ことを特徴とする再生装置。

[請求項12]

前記表示タイプフラグは、第1フラグ、第2フラグから構成され、  
前記第1フラグは、オンに設定されることで、表示装置における表示可能方式が、1920×1080/23.976Hz立体視又は1280×720/59.94Hz立体視である旨を示し、オフに設定されることでそうでない旨を示し、  
前記第2フラグは、オンに設定されることで、表示装置における表示可能方式が、1280×720/50Hz立体視である旨を示し、オフに設定されることでそうでない旨を示し、

表示装置が標準画質に対応する旨は、第1フラグ及び第2フラグがオフに設定されることで表現される

ことを特徴とする請求項11記載の再生装置。

[請求項13]

インデックステーブルが記録された記録媒体であって、  
前記インデックステーブルは、アプリケーション情報を含み、  
前記アプリケーション情報は、  
初期出力モード情報と、フォーマット・フレームレート情報とを含み、

前記初期出力モード情報は、再生装置に優先的に設定される出力モードが平面視出力モードか立体視出力モードかを示す情報であり、

前記フォーマット・フレームレート情報は、記録媒体を挿入時に、再生装置の出力モード情報として利用することができる映像フォーマット、及び、フレームレートを示す

ことを特徴とする記録媒体。

[請求項14]

インデックステーブルが記録された記録媒体を再生する再生装置であって、

前記インデックステーブルは、アプリケーション情報を含み、

前記アプリケーション情報は、

初期出力モード情報と、フォーマット・フレームレート情報とを含み、

前記初期出力モード情報は、再生装置による出力モードの初期設定が平面視出力モードか立体視出力モードかを示す情報であり、

前記フォーマット・フレームレート情報は、再生装置による再生出力において採用することができる映像フォーマット、及び、フレームレートを示し、

前記再生装置は、

前記記録媒体を挿入時に、前記フォーマット・フレームレート情報を読み出して、再生装置の出力モード情報として利用する

ことを特徴とする再生装置。

[請求項15]

ストリームファイルと、ストリーム管理ファイルとが記録された記録媒体であって、

前記ストリームファイルは、複数のピクチャデータによって構成されるビデオストリームを含み、

前記ストリーム管理ファイルは、エントリーマップを含み、

前記エントリーマップは、ピクチャデータのアドレスを、再生時刻に対応付けて示すエントリーを含み、

前記ピクチャデータには、立体視映像のメインビューを構成するメインビューピクチャデータと、立体視映像のサブビューを構成するサブビューピクチャデータとがあり、

前記エントリーマップには、平面視映像の再生時に使用される基本エントリーマップと、立体視映像の再生時に、前記基本エントリーマップと共に使用される拡張エントリーマップとがあり、

対応する拡張エントリーマップは、基本エントリーマップのエントリーと同じ時刻のエントリーを有する

ことを特徴とする記録媒体。

[請求項16] 前記ストリームファイルは、メインビューストリームを構成するエクステントと、サブビューストリームを構成するエクステントとを交互に配置することで構成される立体視インターリーブファイルであり、  
メインビューストリームを構成するエクステントのうち、識別番号*i*によって特定される*i*番目のエクステントが、基本エントリーマップのエントリーによって示されるメインビューピクチャデータを含む場合、

サブビューストリームを構成するエクステントのうち、前記識別番号*i*と同一の識別番号*i*によって特定される*i*番目のエクステントは、拡張エントリーマップの前記基本エントリーマップの前記エントリーと同じ時刻のエントリーによって示されるサブビューピクチャデータを含む

ことを特徴とする請求項15記載の記録媒体。

[請求項17] ストリームファイルと、ストリーム管理ファイルとが記録された記録媒体を再生する再生装置であって、

前記ストリームファイルは、複数のピクチャデータによって構成されるビデオストリームを含み、

前記ストリーム管理ファイルは、エントリーマップを含み、

前記エントリーマップは、ピクチャデータのアドレスを、再生時刻に対応付けて示すエントリーを含み、

記録媒体に記録された前記ピクチャデータと、前記エントリーマップを、記録媒体から読み出す読出手段と、

前記ピクチャデータをデコードすることにより、映像の再生を行う再生手段とを備え、

前記読出手段は、前記ピクチャデータのうち、エントリーマップのエントリーによって示されているもののランダムアクセスを実行し、

前記ピクチャデータには、立体視映像のメインビューを構成するメインビューピクチャデータと、立体視映像のサブビューを構成するサ

ブビューピクチャデータとがあり、

前記エントリーマップには、平面視映像の再生時に使用される基本エントリーマップと、立体視映像の再生時に、前記基本エントリーマップと共に使用される拡張エントリーマップとがあり、

拡張エントリーマップは、基本エントリーマップのエントリーと同じ時刻のエントリーを有する

ことを特徴とする再生装置。

[請求項18]

前記ストリームファイルは、メインビューストリームを構成するエクステントと、サブビューストリームを構成するエクステントとを交互に配置することで構成される立体視インターリーブファイルであり、

メインビューストリームを構成するエクステントのうち、識別番号*i*によって特定される*i*番目のエクステントが、基本エントリーマップのエントリーによって示されるメインビューピクチャデータを含む場合、

サブビューストリームを構成するエクステントのうち、前記識別番号*i*と同一の識別番号*i*によって特定される*i*番目のエクステントは、拡張エントリーマップの前記基本エントリーマップの前記エントリーと同じ時刻のエントリーによって示されるサブビューピクチャデータを含む

ことを特徴とする請求項17記載の再生装置。

VERIFICATION OF TRANSLATION

I, Kyoze Omori, translator at Nakajima & Associates IP Firm, 6<sup>th</sup> floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the claims of PCT/JP2010/003876 for which the patentability was indicated in the Written Opinion of the International Searching Authority.

Date: February 16, 2011

A handwritten signature in cursive script, reading "Kyoze Omori".

---

Kyoze Omori

## CLAIMS

1. A playback device for playing back a graphics stream recorded on a recording medium storing a stream selection table which shows a plurality of selectable  
5 graphics streams in correspondence with stream numbers, the playback device comprising:

a stream number register storing one of the stream numbers registered in the stream selection table that corresponds to a graphics stream to be played back; and

a capability register indicating graphics playback capability, wherein  
10 playback of the graphics stream includes a process of selecting a playback type of the graphics stream from a first playback type and a second playback type, the first playback type using the graphics stream as a monoscopic graphics stream, and the second playback type realizing a stereoscopic display by using a pair of left-eye graphics stream and right-eye graphics stream,

15 the graphics playback capability indicated by the capability register is presence or absence of a capability to perform the stereoscopic playback by using the left-eye graphics stream and the right-eye graphics stream, and

the selection of playback type is performed in accordance with the presence or absence of the capability indicated by the capability register.

20

2. The playback device of Claim 1, wherein

the first playback type is selected when the capability register indicates that the capability to perform the stereoscopic playback by using the pair of left-eye graphics stream and right-eye graphics stream is absent.

25

3. The playback device of Claim 1, wherein

the recording medium stores an extension stream selection table indicating a plurality of playable graphics streams for selection in a stereoscopic playback mode in correspondence with stream numbers,

30 the extension stream selection table includes an identification flag which

indicates whether or not there is a pair of left-eye graphics stream and right-eye graphics stream that can be selected for playback in the stereoscopic playback mode, and

the second playback type is selected when the identification flag indicates  
5 that there is a pair of left-eye graphics stream and right-eye graphics stream, and the capability register indicates that the capability to perform the stereoscopic playback by using the pair of left-eye graphics stream and right-eye graphics stream is present.

10 4. The playback device of Claim 3, wherein

the graphics streams include a presentation graphics stream and an interactive graphics stream.

5. A semiconductor integrated circuit loaded in a playback device for playing back  
15 stream data which includes a main-view video stream to be used for playback of a monoscopic image, a sub-view video stream to be used, in combination with the main-view video stream, for playback of a stereoscopic image, a graphics stream, and an identification flag, wherein

the main-view video stream is multiplexed as a main-view transport stream  
20 and then divided into a plurality of main-view data groups,

the sub-view video stream is multiplexed as a sub-view transport stream and then divided into a plurality of sub-view data groups,

the main-view data groups and the sub-view data groups are arranged in an interleaved manner in the stream data,

25 the graphics stream is multiplexed into either or both of the main-view transport stream and the sub-view transport stream, and at least one of the main-view data groups and the sub-view data groups include graphics data,

playback of the graphics stream includes a process of selecting a playback type of the graphics stream from a first playback type and a second playback type,  
30 the first playback type using the graphics stream as a monoscopic graphics stream,



and the second playback type realizing a stereoscopic display by using a pair of left-eye graphics stream and right-eye graphics stream,

the identification flag indicates whether or not there is a pair of left-eye graphics stream and right-eye graphics stream in the graphics stream in the stereoscopic playback mode,

the semiconductor integrated circuit comprises:

a main control unit operable to control the semiconductor integrated circuit;

a stream processing unit operable to receive the stream data, store the received stream data temporarily into a memory provided inside or outside the semiconductor integrated circuit, and demultiplex the stream data into video data and graphics data;

a signal processing unit operable to decode the video data and the graphics data to generate decoded video data and decoded graphics data; and

an AV output unit operable to output the decoded video data, wherein the stream processing unit includes

a switch sub-unit operable to switch between a first area and a second area in the memory to store the received stream data therein,

the main control unit controls the switch sub-unit to store data belonging to the main-view data groups into the first area, and to store data belonging to the sub-view data groups into the second area,

a third area in the memory stores information that indicates whether or not a capability to perform the stereoscopic playback by using the pair of left-eye graphics stream and right-eye graphics stream is present in the playback device,

the main control unit selects a playback type for playback of the graphics stream, in accordance with the identification flag and the information that indicates whether or not a capability to perform the stereoscopic playback by using the pair of left-eye graphics stream and right-eye graphics stream is present in the playback device, and

the AV output unit superimposes the decoded video data with the decoded graphics data in accordance with the selected playback type, and outputs data in

which the decoded video data is superimposed with the decoded graphics data.

10. A playback device for playing back a recording medium, the playback device comprising:

5 a capability register indicating whether or not a capability to perform a stereoscopic display is present in a display device connected with the playback device; and

a mode register storing an output mode of the playback device, wherein  
it is judged whether or not a predetermined condition is satisfied, and a  
10 stereoscopic output mode is set in the mode register when it is judged that the predetermined condition is satisfied,

display devices having the capability to perform a stereoscopic display include display devices which require viewers to wear stereoscopic glasses to view a stereoscopic playback, and display devices which do not require viewers to wear  
15 stereoscopic glasses to view a stereoscopic playback,

the capability register includes a glasses necessity flag that indicates whether or not it is required for viewers to wear stereoscopic glasses to view a stereoscopic playback when the display device connected with the playback device has the capability to perform a stereoscopic display, and

20 when the glasses necessity flag indicates that it is not required for viewers to wear stereoscopic glasses to view a stereoscopic playback, it is judged that the predetermined condition is satisfied and the stereoscopic output mode is set in the mode register.

25 11. A playback device for playing back a recording medium, the playback device comprising:

a capability register indicating whether or not a capability to perform a stereoscopic display is present in a display device connected with the playback device; and

30 a mode register storing an output mode of the playback device, wherein

the capability register includes a display type flag that indicates whether the display device connected with the playback device supports a normal-quality image display or a high-quality image display, and it is judged that the predetermined condition is not satisfied when the display type flag indicates that the display device  
5 supports the normal-quality image display.

12. The playback device of Claim 11, wherein

the display type flag is composed of a first flag and a second flag,

the first flag, when set as on, indicates that the display device supports a  
10 1920×1080/23.976 Hz stereoscopic display or a 1280×720/59.94 Hz stereoscopic display, and when set as off, indicates that the display device supports neither the 1920×1080/23.976 Hz stereoscopic display nor the 1280×720/59.94 Hz stereoscopic display,

the second flag, when set as on, indicates that the display device supports a  
15 1280×720/50 Hz stereoscopic display, and when set as off, indicates that the display device does not support the 1280×720/50 Hz stereoscopic display, and

when the first flag and the second flag are set as off, it indicates that the display device supports the normal-quality image display.

20 14. A playback device for playing back a recording medium on which an index table is recorded, wherein

the index table includes application information,

the application information includes initial output mode information and format frame rate information,

25 the initial output mode information is information that indicates whether an output mode preferentially set in the playback device is a monoscopic output mode or a stereoscopic output mode,

the format frame rate information indicates an image format and a frame rate that can be adopted in a playback output by the playback device, and

30 the playback device reads the format frame rate information from the

recording medium when the recording medium is inserted in the playback device, and uses the format frame rate information as output mode information of the playback device.

- 5 17. A playback device for playing back a recording medium on which a stream file and a stream management file are recorded,

the stream file includes a video stream which includes a plurality of pieces of picture data,

- 10 the stream management file includes an entry map which includes entries each indicating an address of picture data in correspondence with a playback time,

the playback device comprises:

a reading unit operable to read out the picture data and the entry map from the recording medium; and

- 15 a playback unit operable to playback an image by decoding the picture data, wherein

the reading unit accesses, by a random access, a piece of picture data among the plurality of pieces of picture data that is indicated by an entry of the entry map,

- 20 the picture data includes main-view picture data constituting a main view of a stereoscopic image and sub-view picture data constituting a sub view of the stereoscopic image,

the entry map includes a basic entry map which is used when a monoscopic image is played back, and an extension entry map which is used together with the basic entry map when the stereoscopic image is played back, and

- 25 the extension entry map has entries that indicate times that are indicated by entries of the basic entry map corresponding to the extension entry map.

18. The playback device of Claim 17, wherein

- 30 the stream file is a stereoscopic interleave file in which Extents constituting a main-view stream and Extents constituting a sub-view stream are arranged in an interleaved manner,

an  $i^{\text{th}}$  Extent having identification number "i" among the Extents constituting the main-view stream includes a piece of main-view picture data indicated by an entry of the basic entry map, and an  $i^{\text{th}}$  Extent identified by the identification number "i" among the Extents constituting the sub-view stream  
5 includes a piece of sub-view picture data indicated by an entry of the extension entry map, and

the entry that indicates the main-view picture data included in the  $i^{\text{th}}$  Extent of the main-view stream has the same playback time as the entry that indicates the sub-view picture data included in the  $i^{\text{th}}$  Extent of the sub-view stream.

10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,716	06/11/2010	Wataru IKEDA	2010_0810A	7557

52349	7590	04/22/2011
WENDEROTH, LIND & PONACK L.L.P.		
1030 15th Street, N.W.		
Suite 400 East		
Washington, DC 20005-1503		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
04/22/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com  
eo@wenderoth.com



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WENDEROTH, LIND & PONACK L.L.P.  
1030 15TH STREET, N.W.  
SUITE 400 EAST  
WASHINGTON, DC 20005-1503

In re Application of: IKEDA, WATARU, et al.  
Application No. 12/813,716  
Filed: June 11, 2010  
For: PLAYBACK DEVICE, INTEGRATED CIRCUIT,  
RECORDING MEDIUM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

**MAILED**

APR 22 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 22, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial

applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.

(8) As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418



*Application SN 12/813,716*  
*Decision on Petition*

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

---

Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,729	06/11/2010	Kevin M. Ryan	048262-068280-US	7580
50828 7590 08/25/2011 DAVID S. RESNICK NIXON PEABODY LLP 100 SUMMER STREET BOSTON, MA 02110-2131			EXAMINER NGUYEN, KIMBERLY D	
			ART UNIT 2894	PAPER NUMBER
			MAIL DATE 08/25/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**DAVID S. RESNICK  
NIXON PEABODY LLP  
100 SUMMER STREET  
BOSTON MA 02110-21**

**In re Application of  
RYAN et al.  
Application No.: 12/813729  
Filed: 11 June 2010  
Attorney Docket No.: 7202 048262-  
068280-US  
For: METHOD AND SYSTEM FOR  
THE SYNTHESIS OF  
SEMICONDUCTOR NANOWIRES**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY PILOT  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed 18 July 2011, to make the above-identified application special.

The request and petition are **Dismissed**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all claims in the US application sufficiently correspond to the allowed/patentable claims of the EPO application. For example, EPO claim 1 requires producing semiconductor nanowires, while US claims 16 and 17 require producing germanium and silicon nanowires respectively. These are merely examples of how the scopes of the claims differ. Applicant is responsible for ensuring that all the claims sufficiently correspond.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,729	06/11/2010	Kevin M. Ryan	048262-068280-US	7580
50828	7590	10/17/2011		
DAVID S. RESNICK NIXON PEABODY LLP 100 SUMMER STREET BOSTON, MA 02110-2131			EXAMINER NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2894	
			MAIL DATE	DELIVERY MODE
			10/17/2011	PAPER

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DAVID S. RESNICK  
NIXON PEABODY LLP  
100 SUMMER STREET  
BOSTON MA 02110-21

OCT 17 2011

In re Application of  
RYAN et al.  
Application No.: 12/813729  
Filed: 11 June 2010  
Attorney Docket No.: 7202 048262-  
068280-US  
For: METHOD AND SYSTEM FOR  
THE SYNTHESIS OF  
SEMICONDUCTOR NANOWIRES

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 18 July 2011 and renewed 23 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

/Colleen Dunn/

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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**Absolute Technology Law Group, LLC**  
**3316 W. Wisconsin Avenue**  
**Milwaukee, WI 53208**

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of  
Duane A. Neumann  
Application No. 12/813,770  
Filed: June 11, 2010  
Attorney Docket No. NEUMANN NP 0510

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

**The request is moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 57520 has been revoked by the applicant of the patent application on February 21, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: von Briesen & Roper, s.c.  
Suite 700  
411 East Wisconsin Avenue  
Milwaukee, WI 53202



Doc code : PET.OP.AGE


Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/813,791	Confirmation Number	7745	Filing Date	2010-06-11
Attorney Docket Number (optional)	590-1003-204-US	Art Unit	1612	Examiner	KISHORE, GOLLAMUDI 
First Named Inventor	Peter Ladislaus Dorogi				
Title of Invention	Skin Treatment Compositions Containing Copper-Pigment Complexes				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
John	Patrick	McCook			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/LCP/		Date (YYYY-MM-DD)	2011-12-16	
Name	Louis C Paul		Registration Number	53442	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Peter Ladislaus Dorogi

Application No. 12813791

Filed: June 11, 2010

Attorney Docket No. 590-1013

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:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

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This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-DEC-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/813,803	Confirmation Number	7771	Filing Date	2010-06-11
Attorney Docket Number (optional)	590-1003-205-US	Art Unit	1612	Examiner	KISHORE, GOLLAMUDI
First Named Inventor	Peter Ladislaus Dorogi				
Title of Invention	Skin Treatment Compositions Containing Copper-Pigment Complexes				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
John	Patrick	McCook			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/LCP/	Date (YYYY-MM-DD)	2011-12-16		
Name	Louis C Paul	Registration Number	53442		

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Peter Ladislaus Dorogi

Application No. 12813803

Filed: June 11, 2010

Attorney Docket No. 590-1014

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:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-DEC-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,814	06/11/2010	Kazuki HONDA	26271	7808
23389 7590 04/26/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER	
			ART UNIT	PAPER NUMBER
			3739	
			MAIL DATE	DELIVERY MODE
			04/26/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

*In re* Application of:  
HONDA, KAZUKI et al  
Serial No.: 12/813,814  
Filed: June 11, 2010  
Docket: 26271  
Title: MEDICAL TUBE

::  
::  
: DECISION ON REQUEST  
: TO PARTICIPATE IN  
:: PATENT PROSECUTION  
HIGHWAY (PPH) AND  
PETITION TO MAKE  
SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.



In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Linda Dvorak, the SPE of Art Unit 3739 and 571-272-4764 for Class 600/114 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/813,856	Filing date:	June 11, 2010
First Named Inventor:	Kenneth Stanwood		
Title of the Invention:	Systems and Methods for Intelligent Discard in a Communication Network		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSEFS\\_HELP.HTML](http://www.uspto.gov/efsweb/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/038357

The international filing date of the corresponding PCT application(s) is/are:

June 11, 2010

## I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/813,856
First Named Inventor:	Kenneth Stanwood

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on February 22, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications

☒ Have already been filed in the above-identified U.S. application on February 22, 2011

## II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature: /Jeffrey S. King/	Date: February 28, 2011
Name (Print/Typed): Jeffrey S. King	Registration Number: 58,791

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 36 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/813,856	06/11/2010	Kenneth Stanwood	116719-001UTL	7915
27189 7590 03/09/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER YAO, KWANG BIN	
			ART UNIT 2473	PAPER NUMBER
			NOTIFICATION DATE 03/09/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of: STANWOOD, KENNETH et  
al.

Application No. 12813856

Filed: June 11, 2010

For: SYSTEMS AND METHODS FOR  
INTELLIGENT DISCARD IN A  
COMMUNICATION NETWORK

DECISION ON REQUEST TO  
PARTICIPATE IN PCT-PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

**MAILED**

MAR 09 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 28, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

---

Hassan Kizou  
SPE, Technology Center 2400





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**AUG 03 2011**

**OFFICE OF PETITIONS**

K&L Gates LLP  
1900 MAIN STREET, SUITE 600  
IRVINE CA 92614-7319

In re Application of :  
Grant, et al. :  
Application No.: 12/813,857 : ON PETITION  
Filed: June 11, 2010 :  
Attorney Docket No: 1951300.00104 :

This is a decision on the petition under 37 CFR §1.137(b), July 22, 2011, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

The application became abandoned on August 24, 2010, after no response was received to the Notice to File Missing Parts of Non-Provisional Application mailed June 23, 2010, which set a shortened period for reply of two-months from its mailing date. Extensions of the time set for reply were available under 37 CFR 1.136(a). A response was not received within the allowable period, and the application became abandoned on August 24, 2010. A Notice of Abandonment was mailed on March 3, 2011.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Item 1 above has not been satisfied because the declaration under 37 CFR 1.63 filed July 22, 2011, lists two first inventors. Specifically, both the signature blocks for inventors Grant and Menkin are denoted as "Inventor One". The renewed petition must be accompanied by an executed declaration under 37 CFR 1.63 that addresses this inconsistency. Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

K&L Gates LLP  
1900 MAIN STREET, SUITE 600  
IRVINE CA 92614-7319

**MAILED**

**SEP 27 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Grant, et al.	:	
Application No.: 12/813,857	:	ON PETITION
Filed: June 11, 2010	:	
Attorney Docket No: 1951300.00104	:	

This is regarding the renewed petition under 37 CFR 1.137(b) filed on September 20, 2011.

The petition is **GRANTED**.

The application became abandoned on August 24, 2010, after no response was received to the Notice to File Missing Parts of Non-Provisional Application mailed June 23, 2010, which set a shortened period for reply of two-months from its mailing date. Extensions of the time set for reply were available under 37 CFR 1.136(a). A response was not received within the allowable period, and the application became abandoned on August 24, 2010. A Notice of Abandonment was mailed on March 3, 2011.

The declaration, filed September 20, 2011, is noted.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Application of  
Mary Scott Ball  
Application No. 12/813,925  
Filed: June 11, 2010  
Attorney Docket No. 05241/389445

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Alston & Bird, LLP has been revoked by the assignee of the patent application on April 29, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

DOVAS LAW P.C.  
307 BAINBRIDGE STREET  
PHILADELPHIA PA 19147

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :  
Augst, et al. :  
Application No. 12/813,965 : DECISION ON PETITION  
Filed: June 11, 2010 :  
Attorney Docket No. WAV-PT017.1 :

This is a decision on the petition under 37 CFR 1.182, filed, February 9, 2011, to change the name of inventor "Joseph Augst" to – JOSEPH ANAKATA --.

The petition is DISMISSED.

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order. See, MPEP 605.04(c).

Petitioners have provided a copy of the court order effecting the change in name. However, the instant petition lacks the required signed statement by the inventor setting forth both names. Correction upon renewed petition is required.

Any request for reconsideration should be submitted within TWO MONTHS of the decision mail date indicated above. The petition should be entitled "Request for Reconsideration under 37 CFR 1.182." Extensions of time are permitted under 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



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[www.uspto.gov](http://www.uspto.gov)

DOVAS LAW P.C.  
307 BAINBRIDGE STREET  
PHILADELPHIA PA 19147

**MAILED**  
**MAR 29 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Augst, et al.	:	
Application No. 12/813,965	:	DECISION ON PETITION
Filed: June 11, 2010	:	
Attorney Docket No. WAV-PT017.1	:	

This is a decision on the petition under 37 CFR 1.182, filed, March 20, 2011, to change the name of inventor "Joseph Augst" to – JOSEPH ANAKATA --.

The petition is GRANTED.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing.

/ALEZIA M. BROWN/

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/813,965	06/11/2010	2617	1300	WAV-PT017.1	48	4

CONFIRMATION NO. 8158

CORRECTED FILING RECEIPT

61521

DOVAS LAW P.C.  
307 BAINBRIDGE STREET  
PHILADELPHIA, PA 19147



OC000000046754529

Date Mailed: 03/25/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Joseph Anakata, Alameda, CA;  
Tasos Roumeliotis, Orinda, CA;

**Assignment For Published Patent Application**

WAVEMARKET, INC., Emeryville, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 61521

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/186,096 06/11/2009

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

**If Required, Foreign Filing License Granted:** 06/22/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/813,965**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***



**Title**

MOBILE DEVICE COMMUNICATION SYSTEM AND METHOD

**Preliminary Class**

455

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/814,015	Filing date:	June 11, 2010
First Named Inventor:	John A. Gelardi		

Title of the  
Invention:                   DISPENSING CONTAINER

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT                                   PCT/US2010/45122  
application number(s) is/are:

The international date of the corresponding  
PCT application(s) is/are:                                   August 11, 2010

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/814,015
First Named Inventor:	John A. Gelardi

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒

Is attached

1

Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☒

Are attached.


7

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature		Date	10/20/10
Name (Print/Typed)	Scott C. Mayhew	Registration Number	58,339



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,015	06/11/2010	John A. Gelardi	R60999 1341.1 (0016.2)	8286
26158 7590 12/08/2010 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: IP DOCKETING P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER KUMAR, RAKESH	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 12/08/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC - 7 2010

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: IP DOCKETING  
P.O. BOX 7037  
ATLANTA GA 30357-0037

In re application of  
Gelardi et al.  
Application No. 12/814,015  
Filed: June 11, 2010  
For: DIPENSING CONTAINER

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 11, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

BM/BM: 12/07/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MICHAEL C. SCHIFFER - LEGAL DEPT.  
BECKMAN COULTER, INC.  
250 S. KRAEMER BOULEVARD  
BREA CA 92821

**MAILED**

**FEB 25 2011**

**OFFICE OF PETITIONS**

In re Application of  
William E. Roudebush  
Application No. 12/814,038  
Filed: June 11, 2010  
Attorney Docket No. 09US0010 NONP

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(b)  
:

This is a decision on the petition filed under 37 CFR 1.47(b) on January 25, 2011.

The petition is **GRANTED**,

The above-identified application was filed on June 11, 2010. The application named William E. Roudebush as the sole inventor but was filed without an executed oath or declaration. A Notice to File Missing Parts was mailed June 25, 2010 requiring, *inter alia*, an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response to the Notice to File Missing Parts, the instant petition under 37 CFR 1.47(b) was filed with a five month extension of time and argues that the inventor refuses to execute the oath or declaration and by his actions to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.



The petition is accompanied by proof that the application materials have been presented to the non-signing sole inventor, and that he has not returned an executed oath or declaration. The petition is also accompanied by the petition fee, the last known address for the non-signing inventor and a declaration executed by Michael C. Schiffer, Assistant Secretary, Beckman Coulter, Inc., on behalf of Beckman Coulter, Inc., and in the absence of a signature by the sole inventor, a copy of the employment agreement between inventor William E. Roudebush and Beckman Coulter, Inc., to show proprietary interest and a statement that the application is filed to preserve the applicants rights in the application and to prevent irreparable harm.

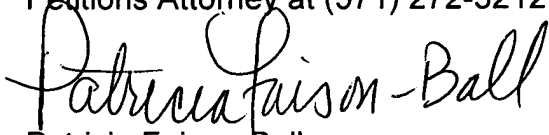
Petitioner is advised that the fee for a petition under 37 CFR 1.47 is set at \$200 not \$130 as indicated in the petition. As such, per the authorization included with the petition, deposit account no. 02-1660 has been charged in the amount of \$200.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

**MAILED**

SEP 13 2010

In re Application of	:	OFFICE OF PETITIONS
Joseph G. Buehl, et al.	:	
Application No. 12/814,040	:	DECISION ON PETITION
Filed: June 11, 2010	:	TO WITHDRAW
Attorney Docket No. 043314/390144	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Karl H. Koster on behalf of all attorneys of record who are associated with customer No. 00826. All attorneys/agents associated with the Customer Number 00826 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: JOSPEH G. BUEHL  
4319 SHADYGLADE AVE  
STUDIO CITY, CA 91604

cc: TANDBERG TELEVISION INC.,  
C/O ERICSSON INC  
ATTN: THOMAS BETHEA  
6300 LEGACY DRIVE  
MS EVR 1-C-11  
PLANO, TX 75024



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/814,040	06/11/2010	Joseph G. Buehl	043314/390144

**CONFIRMATION NO. 8340**

## POWER OF ATTORNEY NOTICE



OC000000043353076

826  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

Date Mailed: 09/03/2010

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/03/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,074	06/11/2010	FRED CHARLES SANDS	24367-5	8426
33417 7590 09/29/2010 LEWIS, BRISBOIS, BISGAARD & SMITH LLP 221 NORTH FIGUEROA STREET SUITE 1200 LOS ANGELES, CA 90012			EXAMINER BUI, DUNG H	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 09/29/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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9/29/10

CST

In re application of  
Fred Charles Sand et al  
Serial No. 12/814,074  
Filed: June 11, 2010  
For: JET ENGINE PROTECTION SYSTEM

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on August 20, 2010 to make the above-identified application special.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:  
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and

arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office.

In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700





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**John Alunit**  
**16830 Ventura Blvd. Suite 360**  
**Encino CA 91364**

**MAILED**

**SEP 26 2011**

In re Application of	:	OFFICE OF PETITIONS
Christina Kawka	:	
Application No. 12/814,093	:	DECISION ON PETITION
Filed: June 11, 2010	:	
Attorney Docket No. 22754-067	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 23, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 24, 2010. The Notice of Abandonment was mailed March 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration and \$65 surcharge, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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Kagan Binder, PLLC  
221 Main Street North  
Suite 200  
Stillwater, MN 55082

**MAILED**  
**NOV 08 2011**  
**OFFICE OF PETITIONS**

In re Application of Swan et al.	:	
Application No. 12/814,109	:	
Filing Date: June 11, 2010	:	Decision on Request
Attorney Docket No. SRM0122/US	:	
Pub. No.: US 2010/0316687 A1	:	
Pub. Date: December 16, 2010	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 16, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a “material” mistake if the mistake affects the public’s ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The mistake identified in the instant request is not a material Office mistake as required under 37 C.F.R. § 1. 221(b). Specifically, the mistake does not affect the public’s ability to appreciate

<sup>1</sup> See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office’s electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a “Pre-Grant Publication” and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to:     Mail Stop PGPUB  
                    Commissioner for Patents  
                    P.O. Box 1450  
                    Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,119	06/11/2010	Mark E. LEE LUM	MJK-5250-5	8525
7590 11/25/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER IHEZIE, JOSHUA K	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 11/25/2011	DELIVERY MODE PAPER

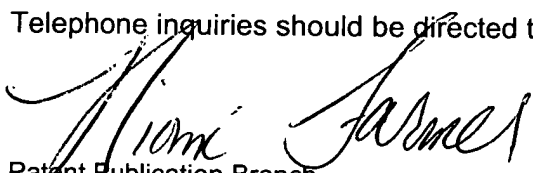
**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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ATK  
C/O VIDAS, ARRETT & STEINKRAUS, P.A.  
6640 SHADY OAK ROAD  
SUITE #400  
EDEN PRAIRIE MN 55344-7834

**MAILED**

DEC 08 2011

**OFFICE OF PETITIONS**

In re Application of  
Sheena Alm et al.  
Application No. 12/814,147  
Filed: June 11, 2010  
Attorney Docket No.: A39.2-13254-US02

**ON PETITION**

This is a decision on the petition filed November 4, 2011 to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

In response to a Notice of Allowance mailed July 6, 2010, the issue fee transmittal was timely submitted on September 22, 2011, with payment in the amount of \$1205, \$905 was applied to the issue fee and \$300 was applied to the publication fee. However the amount remitted for the issue fee was deficient. Accordingly, the application became abandoned and thus, a Notice of Abandonment was mailed October 20, 2011.

Petitioner argues that the assignee, VPI Engineering, is in fact a Small Entity, although the form PTOL-85 did not have the checkbox marked. Petitioner argues payment in the amount of \$1205.00 was submitted, which is an overpayment in the amount of \$150.00 for Small Entity and thus, this amount should be refunded.

Petitioner's arguments have been considered but they are not persuasive.

Petitioners are advised that their failure to submit a proper issue fee transmittal, with the information regarding the entity status indicated caused the deficiency in the payment and therefore, the application become abandoned. Therefore, the Notice of Abandonment mailed October 20, 2011 was appropriate.

In view thereof, the holding of abandonment will not be withdrawn.

The \$905 payment which had been applied to the issue fee has now been refunded. Petitioners are advised that since that Notice of Allowance was mailed, a revised fee schedule was published. Fees due therefore would have been based on the current fee schedule effective September 26, 2011. Effective September 26, 2011, the issue fee for a small entity is set at \$870.00.

### ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),<sup>1</sup> which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Before this application will be grantable, proof that the assignee is entitled to claim small entity status and the appropriate fees will be required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:      Mail Stop Petition

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<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions





## UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 3, 2012

In re Application of :

Sheena Alm

Application No : 12814147

Filed : 11-Jun-2010

Attorney Docket No : V19.2-13254-US02

### DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 3, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12814147	
Filing Date	11-Jun-2010	
First Named Inventor	Sheena Alm	
Art Unit	1776	
Examiner Name	ROBERT CLEMENTE	
Attorney Docket Number	V19.2-13254-US02	
Title	MULTI-DIMENSIONAL PORTABLE GAS CHROMATOGRAPH SYSTEM	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input checked="" type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p><b>Issue Fee and Publication Fee :</b></p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<b>Drawing corrections and/ or other deficiencies.</b>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES


I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Richard A. Arrett/
Name	Richard A. Arrett
Registration Number	33153

non-FEE

DAC/

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		
Application Number	12814147		
Filing Date	11-Jun-2010		
First Named Inventor	Sheena Alm		
Art Unit	1776		
Examiner Name	ROBERT CLEMENTE		
Attorney Docket Number	V19.2-13254-US02		
Title	MULTI-DIMENSIONAL PORTABLE GAS CHROMATOGRAPH SYSTEM		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>			
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input checked="" type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>			
Issue Fee and Publication Fee :		01/04/2012 INTEFSW 00002244 12814147 01 FC:2453 930.00 OP	
<p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>			
Drawing corrections and/ or other deficiencies.			

☒ Drawing corrections and/ or other deficiencies are not required

☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on

☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

☐ A joint inventor; all of whom are signing this e-petition.

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Richard A. Arrett/
Name	Richard A. Arrett
Registration Number	33153

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 19660-4025

Application Number  
(if known): 12/814,148

Filing date: 06/11/2010

First Named  
Inventor: Peter E. Rose

Title: Injection Backflow Technique For Measuring Fracture Surface Area Adjacent To A Wellbore

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Attachment to Petition

Signature /s/ Sanjeet K. Dutta

Date 11/17/2010

Name  
(Print/Typed) Sanjeet K. Dutta

Registration Number 46,145

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.**

☒ Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/814,148 Confirmation No.: 8594  
Applicant : Peter E. Rose  
Filing Date : 06/11/2010  
Title : INJECTION BACKFLOW TECHNIQUE FOR MEASURING  
FRACTURE SURFACE AREA ADJACENT TO A WELLBORE  
Group Art Unit : 3676  
Examiner : Not Yet Assigned  
Docket No. : 19660-4025  
Customer No. : 34313

Commissioner for Patents  
EFS-Web  
*Petition for Green Tech Pilot*

ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN  
TECHNOLOGY PILOT PROGRAM

Sir:

Applicant requests expedited examination based on the Petition to Make Special under the Green Technology Pilot Program, introduced in the Federal Register on December 8, 2009, and extended in the Federal Register on November 10, 2010.

**Eligibility Requirements**

☐ *Applications Pertaining to Environmental Quality:* Special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

<If the application does not clearly disclose that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement signed by the applicant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment. See MPEP § 708.02 (item V). >

Applicant : Peter E. Rose  
Appl. No. : 12/814,148  
Examiner : Not Yet Assigned  
Docket No. : 19660-4025

☒ *Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction:* Special status is sought because the application is for an invention that materially contributes to:

☒ (1) The discovery or development of renewable energy resources;

☐ (2) the more efficient utilization and conservation of energy

resources; or

☐ (3) the reduction of greenhouse gas emissions.

<If the application disclosure is not clear on its face that the claimed invention materially contributes to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, the petition must be accompanied by a statement signed by the applicant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, nor does the standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction. See MPEP § 708.02 (item VI). >

Applicant hereby certifies that:

1. The application contains three or fewer independent claims and twenty or fewer total claims. Additionally, application does not contain any multiple dependent claims. If application does contain more than three independent claims, twenty total claims and/or multiple dependent claims, a preliminary amendment is filed herewith.

2. The claims are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) The discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements and is classified in one of the U.S. classifications listed in section 2 of this petition.

3. No Office Action, including an Office Action containing only a restriction requirement, has been issued.



Applicant : Peter E. Rose  
Appl. No. : 12/814,148  
Examiner : Not Yet Assigned  
Docket No. : 19660-4025

4. Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. If applicable, Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

5. Fees. This Petition to Make Special is being submitted under the Green Technology Pilot Program, therefore no fees are required. However, if the undersigned is in error in this regard, the Commissioner is authorized to charge any fees to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 17, 2010

By: /s/ Sanjeet K. Dutta  
Sanjeet K. Dutta  
Reg. No. 46,145

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 650-614-7647  
Fax: 650-614-7401



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,148	06/11/2010	Peter E. Rose	19660-4025	8594
34313 7590 12/07/2010 ORRICK, HERRINGTON & SUTCLIFFE, LLP IP PROSECUTION DEPARTMENT 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			EXAMINER RO, YONG-SUK	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 12/07/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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United States Patent and Trademark Office  
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DEC - 7 2010

ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA  
SUITE 1600  
IRVINE CA 92614-2558

In re Application of	:	
Peter ROSE	:	DECISION ON PETITION
Application No. 12/814,148	:	TO MAKE SPECIAL UNDER
Filed: September 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 19660-4025	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



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WILLIAM H BOLLMAN  
MANELLI SELTER PLLC  
2000 M STREET, N.W. 7TH FLOOR  
WASHINGTON, DC 20036-3307

**MAILED**  
**FEB 01 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Roydn Jones, et al.  
Application No. 12/814,180  
Filed: June 11, 2010  
Attorney Docket No. 20-256

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,194	06/11/2010	Trishul A. Chilimbi	329319.01	8680

69316	7590	10/07/2010
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
10/07/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBOUTON@MICROSOFT.COM  
yffiling@microsoft.com  
stevensp@microsoft.com



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Alexandria, VA 22313-1450  
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MICROSOFT CORPORATION  
One Microsoft Way  
Redmond WA 98052

In re Application of:  
CHILIMBI, Trishul et al.  
Application No. 12/814,194  
Filed: June 11, 2010  
For: **MEMORY ALLOCATION  
VISUALIZATION FOR UNMANAGED  
LANGUAGES**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on June 11, 2010, requesting acceptance of color drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and paragraph [0014] of the specification contains the required notification described above. Furthermore, color drawing figures 2-6 were filed EFS-Web, therefore, applicant is required to file only one set of drawings. See 74 Federal Register Notice 55200 (October 27, 2009).

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

*/Eddie C. Lee*

Eddie C. Lee  
Quality Assurance Specialist, TC 2100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FREDERICK M. ESPIAU *et al.*

Application No.: 12/814,229

Filed: June 11, 2010

For: PLASMA LAMP WITH  
DIELECTRIC WAVEGUIDE  
BODY HAVING A WIDTH  
GREATER THAN A LENGTH

Customer No.: 20350

Confirmation No.: 8768

Examiner: Unassigned

Art Unit: 2821

**PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY  
PILOT PROGRAM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on August 25, 2011, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that another publication is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the required amount.

By filing this petition, Applicants agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction"



that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

#### **STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT**

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The claimed invention relates generally to lighting techniques. In particular, the invention provides a method and device using an electrodeless plasma lighting device having a dielectric waveguide body having a width greater than a length, although it may be provided in other spatial configurations. The invention can be applied to a variety of applications such as stadiums, security, parking lots, military and defense, streets, large and small buildings, vehicle headlamps, aircraft landing, bridges, warehouses, uv water treatment, agriculture, architectural lighting, stage lighting, medical illumination, microscopes, projectors and displays, and similar uses.

The invention provides a method and device having configurations of input, output, and feedback coupling elements that provide for electromagnetic coupling to the bulb whose power transfer and frequency resonance characteristics that are largely dependent upon a waveguide body having at least two materials. In a preferred embodiment, the present invention provides a method and configurations with an arrangement that provides for improved manufacturability as well as design flexibility. Other embodiments may include integrated assemblies of the output coupling element and bulb that function in a complementary manner with the present coupling element configurations and related methods for street lighting applications. In a preferred embodiment, the waveguide body comprises a dielectric material having a constant of 2 and less, which decreases capacitance of the resonator. For example, the dielectric material consists essentially of air (e.g., with a dielectric constant of about 1). In contrast, various types of conventional electrodeless lamps utilize high dielectric constant material in the waveguide to reduce the size of the waveguide. In certain embodiments of the

present invention, dielectric materials such as air or fluid are used. For example, a portion or the entirety of a waveguide is filled with air. It is to be appreciated that air filled portion of the waveguide, compared to waveguide filled by high-dielectric constant material, has a reduced amount of RF loss (up to about 1 decibel) compared to conventional waveguide with high dielectric constant material, thereby improving performance. In addition, by filling a portion or an entirety of the waveguide with air instead of material with high dielectric constant, the manufacturing costs and weight of the waveguide are reduced. There are other benefits as well. In a specific embodiment, the diameter of the waveguide body is less than the width, which can lead to a greater effective length of the resonating body, but has the smaller diameter that is more compact and easier to fit-up into one or more form factors. The greater effective length of the resonating body leads to lower resonating frequencies according to one or more embodiments. In a specific embodiment, the present method and resulting structure are relatively simple and cost effective to manufacture for commercial applications. Depending upon the embodiment, one or more of these benefits may be achieved.

A preliminary amendment is filed herewith to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

Moreover, the application does not contain any multiple dependent claims.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao  
Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63748573 v1



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TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

**MAILED**

**OCT 06 2011**

**OFFICE OF PETITIONS**

In re Application of  
Frederick M. Espiau, et al.  
Application No. 12/814,229  
Filed: June 11, 2010  
Attorney Docket No.: 91973-777739 (001410US):

DECISION GRANTING PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed September 28, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on November 6, 2003. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. Therefore, no further action being required, this application is being referred to the Technology Center AU 2821 for prosecution in due course.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: DAH-BIN KAO  
1080 MARSH ROAD  
MENLO PARK, CA 94025



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,229	06/11/2010	Frederick M. Espiau	91973-777739 (001410US)	8768
20350 7590 11/10/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
ART UNIT		PAPER NUMBER		
2821				
NOTIFICATION DATE		DELIVERY MODE		
11/10/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

In re Application of	:	
ESPIAU et al.	:	DECISION ON PETITION
Application No. 12/814229	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-777739 (001410US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to a plasma lamp comprising a waveguide body, a power source, and a fill capable of forming a plasma. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. The mere prediction of improved manufacturability and design flexibility does not appear to result in more efficient utilization or conservation of energy resources.

Further, it is noted that in the "Statement of Special Status for Eligibility Requirement" section, Applicant has misspelled resources as "recourses."

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FREDERICK M. ESPIAU *et al.*

Application No.: 12/814,229

Filed: June 11, 2010

For: PLASMA LAMP WITH  
DIELECTRIC WAVEGUIDE  
BODY HAVING A WIDTH  
GREATER THAN A LENGTH

Customer No.: 20350

Confirmation No.: 8768

Examiner: Unassigned

Art Unit: 2821

**REQUEST FOR RECONSIDERATION  
OF DECISION ON PETITION TO  
MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT  
PROGRAM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

The Decision mailed on November 11, 2011 dismissed Applicants' Petition to Make Special Under the Green Technology Pilot Program submitted on September 28, 2011. The Decision states that the originally-filed Petition satisfies all requirements under the Pilot program, with the exception that that Applicants' statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. Specifically, the Decision indicates that it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is item Bii of the requirement cited in the Decisions).

Applicants respectfully request reconsideration because the claimed invention relates to plasma lamps that are known in the art to be more energy efficient than conventional lamps, thereby contributes to more efficient utilization of energy resources. See, for example, the Wikipedia article on Plasma Lamp

([http://en.wikipedia.org/wiki/Plasma\\_lamp](http://en.wikipedia.org/wiki/Plasma_lamp)), a portion of which is reproduced below for easy reference.

**“High-efficiency plasma lighting is the class of plasma lamps that have system efficiencies of 90 lumens per watt or more. Lamps in this class are potentially the most energy-efficient light source** for outdoor, commercial and industrial lighting. This is due not only to their high system efficiency but also to the small light source they present enabling very high luminaire efficiency.

Luminaire Efficacy Rating (LER) is the single figure of merit the National Electrical Manufacturers Association has defined to help address problems with lighting manufacturers' efficiency claims [5] and is designed to allow robust comparison between lighting types. . . .

**Many modern plasma lamps, . . . have very small light sources—far smaller than HID bulbs or fluorescent tubes—leading to much higher luminaire efficiencies** also. High intensity discharge lamps have typical luminaire efficiencies of 55%, and fluorescent lamps of 70%. **Plasma lamps typically have luminaire efficiencies exceeding 90%.”**

Applicants submit that the claimed invention provides devices and methods for improving plasma lamps, thereby contributes to more efficient utilization of energy resources. Therefore, the claimed invention satisfies item Bii of the requirements cited in the Decisions. According, Applicants believe that the petition is grantable and respectfully request reconsideration of the petition.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao, Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63856548 v1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,229	06/11/2010	Frederick M. Espiau	91973-777739 (001410US)	8768
20350 7590 12/12/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			NOTIFICATION DATE	DELIVERY MODE
			12/12/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

12/12/11

In re Application of	:	
Frederick M. Espiau et al.	:	DECISION ON PETITION
Application No. 12/814,229	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-777739 (001410US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12814258	
Filing Date	11-Jun-2010	
First Named Inventor	Eric Rubenstein	
Art Unit	2884	
Examiner Name	CONSTANTINE HANNAHER	
Attorney Docket Number	130377.00121	
Title	APPARATUS AND METHOD FOR DETECTION OF RADIATION	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Curtis Wadsworth/
Name	Curtis Wadsworth
Registration Number	57475



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 19, 2011

In re Application of :

Eric Rubenstein

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12814258

Filed : 11-Jun-2010

Attorney Docket No : 130377.00121

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 19, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2884 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,263	06/11/2010	Lee SHAPIRO	66888-391149	8862

7590 10/14/2011  
FAEGRE & BENSON LLP  
PATENT DOCKETING - INTELLECTUAL PROPERTY  
2200 WELLS FARGO CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-3901

EXAMINER
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MOORE, WILLIAM W

ART UNIT	PAPER NUMBER
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1656

NOTIFICATION DATE	DELIVERY MODE
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10/14/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mime James*  
Patent Publication Branch  
Office of Data Management

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 34786-542001US

Application Number  
(if known): 12/814,315

Filing date: June 11, 2010

First Named  
Inventor: Xin Zhou

Title: OPTICAL ABSORBANCE MEASUREMENTS WITH SELF-CALIBRATION AND EXTENDED DYNAMIC RANGE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.


3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date

8/15/2011

Name  
(Print/Typed)

Michael Van Loy (Applicant's representative)

Registration Number

52315

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,315	06/11/2010	Xin Zhou	34786-542001US	8996
64046 7590 10/27/2011 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER STAFIRA, MICHAEL PATRICK	
			ART UNIT 2886	PAPER NUMBER
			MAIL DATE 10/27/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C  
ONE FINANCIAL CENTER  
BOSTON MA 02111

In re Application of	:	
ZHOU et al.	:	DECISION ON PETITION
Application No. 12/814315	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 34786-542001US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 15, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention materially enhances the quality of the environment and/or materially contributes to: (1) the discovery or development of renewable energy resources, (2) the more efficient utilization and conservation of energy resources, and/or (3) green house gas emission reduction. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment and/or materially contribute to: (1) the discovery or development of renewable energy resources, (2) the more efficient utilization and conservation of energy resources, and/or (3) green house gas emission reduction.. Any argument that the claimed invention can be used for energy conservation would be considered speculative as to how a hypothetical end-user might specially apply to the claimed motor. Further, it is not readily apparent how the claimed invention materially enhances the quality of the environment and/or materially contributes to: (1) the discovery or development of renewable energy resources, (2) the more efficient utilization and conservation of energy resources, and/or (3) green house gas emission reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

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Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

**MAILED**

**DEC 01 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Gorham :  
Deposited: June 11, 2010 : ON PETITION  
Application No. 12/814,320 :  
Atty. Dkt. No.: 56675.0117 :

The above-identified application has been referred to the Office of Petitions for consideration of the petition under 37 CFR 1.57(a) filed August 26, 2010 and the correspondence filed August 2, 2010, to accord the above-identified application a filing date of June 11, 2010.

The application was deposited June 11, 2010. The Notice of Incomplete Nonprovisional Application (Notice) mailed June 23, 2010 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the \$400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioner indicates that the instant application claims the benefit of U.S. Application No. 11/445,653. Petitioner further asserts that the omitted drawings can be found in the referenced prior application. Petitioner further directs the Office's attention to the amendment filed August 2, 2010.

In accordance with 37 CFR 1.57 and MPEP 201.17, the following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

- (A) the application must have been filed on or after September 21, 2004;

- (B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
- (C) a claim under 37 CFR 1.55 for priority of a prior filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
- (D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
- (E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
- (F) if the application is not otherwise entitled to a filing date, applicant must also file a petition and the amendment under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f);
- (G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
- (H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and
- (I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

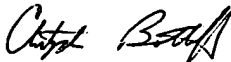
The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, the petition under 37 CFR 1.57(a) is hereby GRANTED.

Receipt is acknowledged of the required petition fee of \$400.00. As submission of the petition was not necessitated due to PTO error, the petition fee WILL NOT be refunded.

This application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of June 11, 2010.

Telephone inquiries related to this decision may be directed to the Petitions Attorney Alesia M. Brown at (571) 272-3205.



Chris Bottorff  
Supervisor  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DOUGLAS A. DOUGHTY *et al.*

Application No.: 12/814,321

Filed: June 11, 2010

For: ELECTRODELESS PLASMA  
LAMP ARRAY

Customer No.: 20350

Confirmation No.: 9009

Examiner: Unassigned

Art Unit: 2821

**PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY  
PILOT PROGRAM**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on August 25, 2011, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that another publication is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the required amount.

By filing this petition, Applicant agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction"



that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

#### **STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT**

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The claimed invention relates generally to lighting techniques. In particular, the present invention provides a method and device using an electrodeless plasma lighting device having one of a plurality of base configurations. More particularly, the present invention provides a method and resulting system for retrofitting an electrodeless plasma lighting device onto a street lamp or other configurations. Merely by way of example, such configurations can include at least a warehouse lamp, stadium lamp, street lamp, parking-lot lamp, lamps in small and large buildings, and other applications that can be retrofitted, and the like.

Benefits are achieved over pre-existing techniques using the present invention. In a specific embodiment, the present inventions provides a method and device having configurations of input, output, and feedback coupling elements that provide for electromagnetic coupling to the bulb whose power transfer and frequency resonance characteristics that are largely independent of the conventional dielectric resonator, but can also be dependent upon conventional designs. In a preferred embodiment, the present invention provides a method and configurations with an arrangement hat provides for improved manufacturability as well as design flexibility. Other embodiments may include integrated assemblies of the output coupling element and bulb that function in a complementary manner with the present coupling element configurations and related methods for street lighting applications. Still further, the present method and device provide for improved heat transfer characteristics, as well as further simplifying manufacturing and/or retrofitting of existing and new street lighting, such as lamps, and the like. In a specific embodiment, the present method and resulting

structure are relatively simple and cost effective to manufacture for commercial applications. Depending upon the embodiment, one or more of these benefits may be achieved.

A preliminary amendment is filed herewith to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

Moreover, the application does not contain any multiple dependent claims.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao  
Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63749365 v1

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 91973-777846 (002010US)

Application Number  
(if known): 12/814,321

Filing date: June 11, 2010

First Named  
Inventor: DOUGLAS A. DOUGHTY

Title: ELECTRODELESS PLASMA LAMP ARRAY

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Dah-Bin Kao/

Date September 30, 2011

Name  
(Print/Typed) Dah-Bin Kao

Registration Number 53,092

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,321	06/11/2010	Douglas A. Doughty	91973-777846 (002010US)	9009
20350 7590 11/10/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER OWENS, DOUGLAS W	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 11/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

In re Application of	:	
DOUGHTY et al.	:	DECISION ON PETITION
Application No. 12/814321	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-777846 (002010US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to a plasma lamp array comprising a plurality of plasma lamps, an RF power source and a controller. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. The mere prediction of improved manufacturability and design flexibility does not appear to result in more efficient utilization or conservation of energy resources. Further, it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is required for basis B ii above).

Further, it is noted that in the "Statement of Special Status for Eligibility Requirement" section, Applicant has misspelled resources as "recourses."

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

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Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DOUGLAS A. DOUGHTY *et al.*

Application No.: 12/814,321

Filed: June 11, 2010

For: ELECTRODELESS PLASMA  
LAMP ARRAY

Customer No.: 20350

Confirmation No.: 9009

Examiner: Unassigned

Art Unit: 2821

**REQUEST FOR RECONSIDERATION  
OF DECISION ON PETITION TO  
MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT  
PROGRAM**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

The Decision mailed on November 10, 2011 dismissed Applicants' Petition to Make Special Under the Green Technology Pilot Program submitted on September 30, 2011. The Decision states that the originally-filed Petition satisfies all requirements under the Pilot program, with the exception that that Applicants' statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. Specifically, the Decision indicates that it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is item Bii of the requirement cited in the Decisions).

Applicants respectfully request reconsideration because the claimed invention relates to plasma lamps that are known in the art to be more energy efficient than conventional lamps, thereby contributes to more efficient utilization of energy resources. See, for example, the Wikipedia article on Plasma Lamp

([http://en.wikipedia.org/wiki/Plasma\\_lamp](http://en.wikipedia.org/wiki/Plasma_lamp)), a portion of which is reproduced below for easy reference.

**“High-efficiency plasma lighting is the class of plasma lamps that have system efficiencies of 90 lumens per watt or more. Lamps in this class are potentially the most energy-efficient light source** for outdoor, commercial and industrial lighting. This is due not only to their high system efficiency but also to the small light source they present enabling very high luminaire efficiency.

Luminaire Efficacy Rating (LER) is the single figure of merit the National Electrical Manufacturers Association has defined to help address problems with lighting manufacturers' efficiency claims [5] and is designed to allow robust comparison between lighting types. . . .

**Many modern plasma lamps, . . . have very small light sources—far smaller than HID bulbs or fluorescent tubes—leading to much higher luminaire efficiencies** also. High intensity discharge lamps have typical luminaire efficiencies of 55%, and fluorescent lamps of 70%. **Plasma lamps typically have luminaire efficiencies exceeding 90%.”**

Applicants submit that the claimed invention provides devices and methods for improving plasma lamps, thereby contributes to more efficient utilization of energy resources. Therefore, the claimed invention satisfies item Bii of the requirements cited in the Decisions. According, Applicants believe that the petition is grantable and respectfully request reconsideration of the petition.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao, Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,321	06/11/2010	Douglas A. Doughty	91973-777846 (002010US)	9009
20350 7590 12/12/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER OWENS, DOUGLAS W	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 12/12/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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Commissioner for Patents  
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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

12/12/11

In re Application of	:	
Douglas A. Doughty et al.	:	DECISION ON PETITION
Application No. 12/814,321	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-777846 (002010US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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P.O. Box 1450  
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**STETINA BRUNDA GARRED & BRUCKER**  
**75 ENTERPRISE, SUITE 250**  
**ALISO VIEJO, CA 92656**

**MAILED**  
**MAR 08 2011**  
**OFFICE OF PETITIONS**

In re Application	:	
Khosrow Bakhtar	:	DECISION ON PETITION
Application No. 12/814,329	:	TO WITHDRAW
Filed: June 11, 2010	:	FROM RECORD
Attorney Docket No. EMIPH-001A	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.


The request is **DISMISSED**.

A review of the file record indicates that Customer Number 07663, Stetina Brunda Garred & Brucker, was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,384	06/11/2010	Shinji KOGANEZAWA	KATSDC.070AUS	9147
7590 05/19/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER NGUYEN, HOA T	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			05/19/2011	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ERIK H. M. LUNDIN *et al.*

Application No.: 12/814,389

Filed: June 11, 2010

For: METHOD AND SYSTEM FOR  
CONVERTING A SODIUM  
STREET LAMP TO AN  
EFFICIENT WHITE LIGHT  
SOURCE

Customer No.: 20350

Confirmation No.: 9157

Examiner: David R. Crowe

Art Unit: 2885

**PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY  
PILOT PROGRAM**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby request to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on August 25, 2011, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that another publication is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the required amount.

By filing this petition, Applicant agrees to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice



entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

#### **STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT**

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The claimed invention relates generally to devices and methods for generating light with plasma lamps. More particularly, the present invention provides plasma lamps driven by a radio-frequency source without the use of electrodes and related methods. Merely by way of example, such plasma lamps can be applied to applications such as stadiums, security, parking lots, military and defense, streets, large and small buildings, vehicle headlamps, aircraft landing, bridges, warehouses, uv water treatment, agriculture, architectural lighting, stage lighting, medical illumination, microscopes, projectors and displays, any combination of these, and the like.

Benefits are achieved over pre-existing techniques using the present invention. In a specific embodiment, the present invention provides a method and device having configurations of input, output, and feedback coupling elements that provide for electromagnetic coupling to the bulb whose power transfer and frequency resonance characteristics that are largely independent of the conventional dielectric resonator. In a preferred embodiment, the present invention provides a method and configurations with an arrangement that provides for improved manufacturability as well as design flexibility. Other embodiments may include integrated assemblies of the output coupling element and bulb that function in a complementary manner with the present coupling element configurations and related methods. Still further, the present method and device provide for improved heat transfer characteristics, as well as further simplifying manufacturing. In a specific embodiment, the present method and resulting structure are relatively simple

and cost effective to manufacture for commercial applications. Depending upon the embodiment, one or more of these benefits may be achieved.

A preliminary amendment is filed herewith to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

Moreover, the application does not contain any multiple dependent claims.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao  
Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63749367 v1

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 91973-802173 (000710US)

Application Number  
(if known): 12/814,389

Filing date: June 11, 2010

First Named  
Inventor: ERIK H.M. LUNDIN

Title: METHOD AND SYSTEM FOR CONVERTING A SODIUM STREET LAMP TO AN EFFICIENT WHITE LIGHT SOURCE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Dah-Bin Kao/

Date September 29, 2011

Name  
(Print/Typed) Dah-Bin Kao

Registration Number 53,092

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,389	06/11/2010	Erik H. M. Lundin	91973-802137 (000710US)	9157
20350 7590 11/10/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CROWE, DAVID R	
			ART UNIT 2885	PAPER NUMBER
			NOTIFICATION DATE 11/10/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

In re Application of	:	
LUNDIN et al.	:	DECISION ON PETITION
Application No. 12/814389	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-802137 (000710US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to replacing a housing/bulb from a street lamp with a plasma lamp and resonator. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. The mere prediction of improved manufacturability and design flexibility does not appear to result in more efficient utilization or conservation of energy resources. Further, it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is required for basis B ii above).

Further, it is noted that in the "Statement of Special Status for Eligibility Requirement" section, Applicant has misspelled resources as "recourses."

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

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Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ERIK H. M. LUNDIN *et al.*

Application No.: 12/814,389

Filed: June 11, 2010

For: METHOD AND SYSTEM FOR  
CONVERTING A SODIUM  
STREET LAMP TO AN  
EFFICIENT WHITE LIGHT  
SOURCE

Customer No.: 20350

Confirmation No.: 9157

Examiner: David R. Crowe

Art Unit: 2885

**REQUEST FOR RECONSIDERATION  
OF DECISION ON PETITION TO  
MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT  
PROGRAM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

The Decision mailed on November 10, 2011 dismissed Applicants' Petition to Make Special Under the Green Technology Pilot Program submitted on September 29, 2011. The Decision states that the originally-filed Petition satisfies all requirements under the Pilot program, with the exception that that Applicants' statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. Specifically, the Decision indicates that it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is item Bii of the requirement cited in the Decisions).

Applicants respectfully request reconsideration because the claimed invention relates to plasma lamps that are known in the art to be more energy efficient than conventional lamps, thereby contributes to more efficient utilization of energy resources. See, for example, the Wikipedia article on Plasma Lamp

([http://en.wikipedia.org/wiki/Plasma\\_lamp](http://en.wikipedia.org/wiki/Plasma_lamp)), a portion of which is reproduced below for easy reference.

**“High-efficiency plasma lighting is the class of plasma lamps that have system efficiencies of 90 lumens per watt or more. Lamps in this class are potentially the most energy-efficient light source** for outdoor, commercial and industrial lighting. This is due not only to their high system efficiency but also to the small light source they present enabling very high luminaire efficiency.

Luminaire Efficacy Rating (LER) is the single figure of merit the National Electrical Manufacturers Association has defined to help address problems with lighting manufacturers' efficiency claims [5] and is designed to allow robust comparison between lighting types. . . .

**Many modern plasma lamps, . . . have very small light sources—far smaller than HID bulbs or fluorescent tubes—leading to much higher luminaire efficiencies** also. High intensity discharge lamps have typical luminaire efficiencies of 55%, and fluorescent lamps of 70%. **Plasma lamps typically have luminaire efficiencies exceeding 90%.”**

Applicants submit that the claimed invention provides devices and methods for improving plasma lamps, thereby contributes to more efficient utilization of energy resources. Therefore, the claimed invention satisfies item Bii of the requirements cited in the Decisions. According, Applicants believe that the petition is grantable and respectfully request reconsideration of the petition.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao, Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63856512 v1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,389	06/11/2010	Erik H. M. Lundin	91973-802137 (000710US)	9157
20350 7590 12/12/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CROWE, DAVID R	
			ART UNIT 2885	PAPER NUMBER
			NOTIFICATION DATE 12/12/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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SAN FRANCISCO CA 94111-3834

12/12/11

In re Application of	:	
Erik H.M. Lundin et al.	:	DECISION ON PETITION
Application No. 12/814,389	:	TO MAKE SPECIAL UNDER
Filed: June 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-802137 (000710US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

**MAILED**  
**JUL 07 2011**  
**OFFICE OF PETITIONS**

Applicant: Megdal, et al.  
Appl. No.: 12/814,396  
Filing Date: June 11, 2010  
Title: COMPUTER-BASED MODELING OF SPENDING BEHAVIORS OF ENTITIES  
Attorney Docket No.: EXP.017A2DV1  
Pub. No.: US 2010/0250469 A1  
Pub. Date: September 30, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 30, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the last name for the third inventor "Granger" was misprinted as "Ganger".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error on the front page of the publication wherein the spelling of the third inventor's last name is incorrect may be an Office error, but is not a material Office error under 37 CFR 1.221(b). The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On June 23, 2010, a Filing Receipt was mailed by the Office, which incorrectly listed the third inventor's last name. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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United States Patent and Trademark Office  
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**JHK LAW**  
**P.O. BOX 1078**  
**LA CANADA CA 91012-1078**

**MAILED**  
**AUG 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Cynthia C. Bamdad : **ON PETITION**  
Application No. 12/814,420 :  
Filed: June 11, 2010 :  
Atty. Docket No.: 13150-70100USA :

This is in response to the petition under 37 CFR 1.137(b), filed August 1, 2011, resubmitted on August 2, 2011, and again on August 24, 2011, to revive the above-identified application.

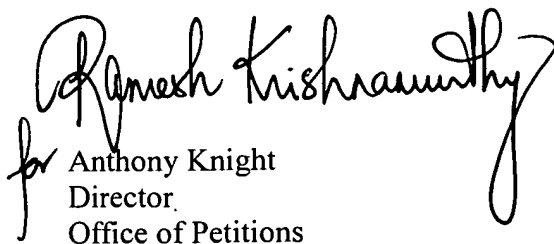
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed June 24, 2010 (Notice), which set a shortened period for reply of TWO (2) MONTHS. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned August 25, 2010. A Notice of Abandonment was mailed July 27, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including: (1) a reply in the form of a Response to the Notice mailed June 24, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Patent Application Processing for further processing.

  
for Anthony Knight  
Director  
Office of Petitions





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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,439	06/12/2010	Uri Cohen	JA-02	9311
7590		03/26/2012		
Uri Cohen 4147 Dake Avenue Palo Alto, CA 94306				
			EXAMINER VAN, LUAN V	
			ART UNIT 1724	PAPER NUMBER
			MAIL DATE 03/26/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mailed:

**MAR 26 2012**

In re application of

Cohen

Serial No. 12/814,439

Filed: June 12, 2010

For: **METHOD FOR ACTIVATING OPENINGS FOR  
ELECTROPLATING**

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DECISION ON  
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on December 15, 2011 to withdraw the Finality of the Office Action mailed on November 14, 2011.

Applicants request that a new non-final Office Action be issued. Applicant asserts that the Examiner ignored evidence and legal authority that were submitted in support of Applicant's arguments. Applicant submits that it is premature to issue a final rejection until these matters have been appropriately addressed.

A review of the record indicates that a non-final office action was issued on April 13, 2011 and on May 2, 2011 (original action was a final that was changed to a non-final after an interview) and a final office action was issued November 14, 2011. In response to office action of May 2, 2011, Applicant filed two 37 CFR 1.132 declarations. The Final Office Action does not address the declarations filed by the Applicant.

It is the responsibility of the primary examiner to personally review and decide whether affidavits or declarations submitted under 37 CFR 1.132 for the purpose of traversing grounds of rejection are responsive to the rejection and present sufficient facts to overcome the rejection.

**DECISION**

The petition is **GRANTED**.



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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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The action of November 14, 2011 is withdrawn. The application is returned to the Examiner for a new Office Action addressing the declarations filed by the Applicant.

*Karen M. Young*

Karen M. Young, Director  
Technology Center 1700  
Chemical and Materials Engineering

wk

Uri Cohen  
4147 Dake Avenue  
Palo Alto CA 94306

<b>CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN</b> (Page 1 of 2)	
Nonprovisional Application Number or Control Number (if applicable): <b>12/814,518</b>	Patent Number (if applicable):
First Named Inventor: <b>Shigeru MATSUI</b>	Title of Invention: <b>Surface Inspection Method and Surface...</b>
<p><b>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</b></p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none"><li>a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.</li><li>b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.</li><li>c. The statutory or non-statutory time period set for response has not yet expired.</li><li>d. Withdrawal and reissuance of the Office communication is requested.</li><li>e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.</li><li>f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.</li><li>g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</li></ul> <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none"><li>a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.</li><li>b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.</li><li>c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.</li><li>d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.</li></ul>	

**CERTIFICATION AND REQUEST  
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
  - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
  - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
  - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
  - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
  - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
  - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
  - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Michael H. Jacobs/

Date May 31, 2011

Name  
(Print/Typed) Michael H. Jacobs

Practitioner  
Registration Number 41,870

**Note:** Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**CROWELL & MORING LLP**  
**INTELLECTUAL PROPERTY GROUP**  
**P.O. BOX 14300**  
**WASHINGTON DC 20044-4300**

**MAILED**

**JUN 01 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Shigeru Matsui :  
Application No. 12/814,518 : **DECISION ON PETITION**  
Filed: June 14, 2010 :  
Attorney Docket No. 104349.59351C1 :

This is a decision on the request filed May 31, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 2, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 2886 for re-mailing the Office action of February 2, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81200992

Application Number  
(if known): 12/814,524

Filing date: 6/14/10

First Named  
Inventor: Robert Andrew Wade

Title: Internal Combustion Engine Cylinder Head With Integral Exhaust Ducting And Turbocharger Housing

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Jerome R. Drouillard/

Date 3/9/11

Name Jerome R. Drouillard  
(Print/Typed)

Registration Number 28,008

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Application No: 12/814,524

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 12/814,524  
Filing Date: June 14, 2010  
Applicant(s): Robert Andrew Wade, et al.  
Confirmation No: 9524  
Group Art Unit: 3748  
Examiner: To be Assigned  
Title: Internal Combustion Engine Cylinder Head With Integral Exhaust Ducting And Turbocharger Housing  
Attorney Docket No: 81200992  
Customer No: 91663

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is, on the date shown below, being electronically filed with the United States Patent & Trademark Office via EFS-Web and a registered e-Filer certificate.

\_\_\_\_\_3/9/11\_\_\_\_\_

\_\_\_\_\_/Lisa E. Brown/\_\_\_\_\_  
Lisa E. Brown

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following basis: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially

Application No: 12/814,524

contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

The claimed cylinder head for an engine achieves material energy savings, while reducing greenhouse gas emissions, and enhancing the quality of the environment, by reducing the amount of fuel required to operate an automotive engine. This fuel consumption savings is produced by making the heat transfer path between the engine's exhaust system and an integral turbocharger more efficient, permitting greater recovery of otherwise waste heat energy from the flowing exhaust gases.

Applicants respectfully request that this case be enrolled in the Green Technology Pilot Program. Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

JEROME R. DROUILLARD, PLLC

Date: 3/9/11

/Jerome R. Drouillard/  
Jerome R. Drouillard, Registration No. 28,008  
10213 Tims Lake Blvd.  
Grass Lake, MI 49240  
(517)522-6089



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,524	06/14/2010	Robert Andrew Wade	81200992	9524
91663	7590	03/22/2011		
Jerome R. Drouillard 10213 Tims Lake Blvd. Grass Lake, MI 49240			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			03/22/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jdrouillard@fordsonlaw.com  
lisa@i3law.com



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Jerome R. Drouillard  
10213 Tims Lake Blvd.  
Grass Lake MI 49240

In re Application of  
WADE, ROBERT ANDREW  
Application No. 12/814,524  
Filed: June 14, 2010  
Attorney Docket No. 81200992

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DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #1, #4 and # 8.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, petitioner states that the claims of the application are directed to green technologies. This is not persuasive because it is not clear how the claimed integral piece construction will contribute to enhancement of the quality of the environment and reduction of greenhouse gas emission. The claimed ICE with one piece construction has nothing to do with green technologies.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of: Robert Andrew Wade

Serial Number: 12/814,524

Filing Date: June 14, 2010

Examiner: Henry C. Yuen

Title: Internal Combustion Engine Cylinder Head With Integral Exhaust Ducting  
And Turbocharger Housing

Attorney Docket Number: 81200992

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is, on the date shown below, being electronically filed with the United States Patent & Trademark Office via EFS-Web and a registered e-Filer certificate.

\_\_\_\_\_/Lisa E. Brown/\_\_\_\_\_

\_\_\_\_\_/4/6/11\_\_\_\_\_

Lisa E. Brown

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
Examiner Henry C. Yuen  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

Applicants hereby request reconsideration of the denial of the recently filed petition to make special under the green technology pilot program. In the denial, it was stated that the publication fee was not received. However, Applicants' Statement regarding their petition contains an authorization to debit Applicants' deposit account for any and all fees connected with the petition. Further, the Statement indicates that Applicants' claimed invention saves fuel, and this is clearly a *sine qua non* for green invention.

Applicants respectfully request that this case be placed into the green technology pilot program.

Respectfully submitted,

**JEROME R. DROUILLARD, PLLC**

\_\_\_\_\_/Jerome R. Drouillard/  
Jerome R. Drouillard, Reg. No. 28,008  
10213 Tim's Lake Blvd.  
Grass Lake, MI 49249  
(517) 522-6089

Date: 4/6/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,524	06/14/2010	Robert Andrew Wade	81200992	9524
91663	7590	04/27/2011	EXAMINER	
Jerome R. Drouillard 10213 Tims Lake Blvd. Grass Lake, MI 49240			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			04/27/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jdrouillard@fordsonlaw.com  
lisa@i3law.com





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Jerome R. Drouillard  
10213 Tims Lake Blvd.  
Grass Lake MI 49240

In re Application of  
WADE, ROBERT ANDREW  
Application No. 12/814,524  
Filed: June 14, 2010  
Attorney Docket No. 81200992

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DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 6, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **Denied**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #1, #4 and # 8.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

Under the circumstances, the request to make the above-identified application special under the pilot program for applications pertaining to Green Technologies cannot be granted.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/Henry C. Yuen/

---

**Henry C. Yuen**

Quality Assurance Specialist  
Technology Center 3700



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,547	06/14/2010	Kei Ogose	MAPS-46906	9578
EXAMINER				
ART UNIT PAPER NUMBER				
2812				
MAIL DATE DELIVERY MODE				
10/21/2010 PAPER				

7590 10/21/2010  
PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nimi Sarnecki*  
Patent Publication Branch  
Office of Data Management

Adjustment Date: 10/21/2010 EXAMINER  
06/14/2010 10:15:50 06/14/2010 10:15:50 06/14/2010  
02 751111 342.00 EA 02914347



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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/814,578	06/14/2010	Katsunari SATO	520.50835X00	9649
7590 02/27/2012 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER NGUYEN, DUNG T	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 02/27/2012	DELIVERY MODE PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

DENTSPLY INTERNATIONAL INC  
570 WEST COLLEGE AVENUE  
YORK PA 17404

**MAILED**

**AUG 15 2011**

**OFFICE OF PETITIONS**

In re Application of

Blackwell, et al.

Application No. 12/814,598

Filed: June 14, 2010

Attorney Docket No. **KON-167**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) filed August 1, 2011. The petition is also being treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on December 25, 2010, after it was believed that a complete response was not received to the Notice to File Missing Parts of Non-provisional Application mailed June 24, 2010. The notice allowed a shortened period for reply of two (2) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). On November 22, 2010, petitioner obtained an extension of time within the fourth month. A response was filed on November 29, 2010, but did not include payment of the \$130.00 surcharge. On December 9, 2010, the payment of the surcharge of \$130.00 was received. A Notice of Abandonment was mailed on July 11, 2011, indicating that a reply to the notice was not received.

A review of the application file record did reveal that the payment of the \$130.00 was received on December 9, 2010—within the extendable period for reply to the Notice to File Missing Parts of Non-Provisional Application. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

The petition fee of \$540.00 will be refunded, in due course.

As the holding of abandonment is being withdrawn pursuant to 37 CFR 1.181, the petition under 37 CFR 1.137(a) is dismissed as moot.

The application file is being forwarded to the Office of Patent Application Processing for further processing.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**MAR 21 2012**

**OFFICE OF PETITIONS**

**NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203**

In re Application of	:	DECISION ON REQUEST TO
Kouichi SUGIYAMA et al.	:	PARTICIPATE IN PPH PROGRAM
Application No. 12/814,777	:	AND PETITION TO MAKE SPECIAL
Filed: June 14, 2010	:	UNDER 37 CFR 1.102(a)
Atty. Docket No.: MNL-2018-2530	:	
For: DATA STORAGE DEVICE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 15, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;
2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;
3. Examination of the U.S. application has not begun;

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

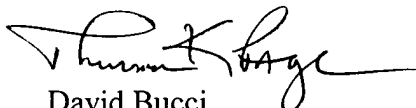
5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to Technology Center Art Unit 3747 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions



**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT  
PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN  
THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO**

Application No.:	12/814905	First Named Inventor:	Steven J. Cochren
Filing Date:	2010-06-14	Attorney Docket No.:	65445-272 (06-PPD-342)
Title of the Invention:	FACE GEAR DIFFERENTIALS INCORPORATING A TORQUE RING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/038520

The international filing date of the corresponding PCT application(s) is/are: 2010-06-14

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**
- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**
  - ☐ is attached.
  - ☒ has already been filed in the above-identified U.S. application on 2010-10-12
- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**
  - ☐ are attached.
  - ☒ have already been filed in the above-identified U.S. application on 2010-10-12

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/814905	First Named Inventor:	Steven J. Cochren
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## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <b>/John P. Guenther/</b>	Date <b>2012-04-05</b>
Name (Print/Typed) <b>John P. Guenther</b>	Registration Number <b>39698</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2010

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

In re Application of	:	
MOORE	:	
Application No.: 12/814,967	:	
Filing Date: June 14, 2010	:	DECISION
Atty. Docket No.: 4633-71	:	
For: IMPROVEMENTS TO WAVE	:	
ENERGY CONVERTER	:	

This is a decision on applicant's "PETITION UNDER 37 C.F.R. 1.182..." filed in the U.S. Patent and Trademark Office (USPTO) on June 21, 2010, which requests that the application be converted from a filing under 35 U.S.C. 111(a) to a national stage filing under 35 U.S.C. 371. The petition is dismissed without prejudice as discussed below.

**BACKGROUND**

On June 14, 2010, applicant filed the present application via the USPTO's EFSWeb filing system, and included an EFSWeb indication that the application was to be processed as an application filed under 35 U.S.C. 111(a). The application papers included, *inter alia*, a preliminary amendment indicating that the application was a national stage filing under 35 U.S.C. 371 of International Application No. PCT/AU2008/001806 and a declaration of the inventor executing the PCT application. The application has been processed under 35 U.S.C. 111(a).

On June 21, 2010, applicant filed the present petition requesting that the application be converted to a filing under 35 U.S.C. 111(a).

On June 29, 2010, the USPTO's Office of Patent Application Processing mailed a DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL.

**DISCUSSION**

A review of the application file reveals that applicant has not requested that the application be converted to a provisional application filed under 35 U.S.C. 111(b), and as such the June 29 DECISION was mailed in error.

A further review of the application file reveals that, in view of the conflicting instructions in the originally filed application papers, the application has been properly processed under 35 U.S.C. 111(a), see 37 CFR 1.495(g).

Regarding applicant's petition to convert the application to a filing under 35 U.S.C. 371, U.S. Statutes and Regulations do not make specific provision for the requested action and as such the office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. In the present case applicant has presented no such showing, and applicant has the alternative remedy of perfecting a claim for benefit under 35 U.S.C. 120 by filing a petition under 37 CFR 1.78 with the Office of Petitions. As such, the petition to convert the application may not be properly granted.

Applicant should note that, since the declaration filed June 14, 2010, executes the international application, it is improper for acceptance in the present filing under 35 U.S.C. 111(a).

### **CONCLUSION**

For the reasons above, decision mailed June 29, 2010, is hereby **VACATED**.

Also for the reasons above, the petition to convert the application to a filing under 35 U.S.C. 371 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

The application is being returned to the Office of Patent Application Processing for continued processing under 35 U.S.C. 111(a) in accordance with this decision.



Richard R. Cole  
Senior PCT Legal Examiner  
Office of PCT Legal Administration



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901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

**MAILED**

**MAR 11 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of

MOORE

Application No. 12/814,967

Filed: June 14, 2010

Attorney Docket No. 4633-71

: DECISION ON PETITION

: UNDER 37 CFR 1.78(a)(3)

:

:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 07 January 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment

to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.78 that the entire period of delay was unintentional.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 and 365 (c) to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Derek Putonen at (571) 272-3294. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3748 for appropriate action on the amendment filed 07 January 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365 (c) to the prior-filed international application.



Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

**MAIL**

AUG 02 2010

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
DAI, JINLIANG  
Serial No.: 12/815,028  
Filed: June 14, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **METHOD AND DEVICE FOR UPDATING  
STATUS OF SYNTHESIS FILTERS**

This is a decision on the petition filed on June 14, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

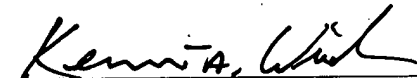
1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was informal and not ready for examination. A "Notice to File Corrected Application Papers" was mailed on June 24, 2010.



Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. At such a time as initial examination processing is complete, the application will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.



---

Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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PATENT ADMINISTRATOR  
CHEMTURA CORPORATION  
199 BENSON RD.  
MIDLEBURY CT 06749

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of :  
Liu et al. : DECISION REFUSING STATUS  
Application No. 12/815,086 : UNDER 37 CFR 1.47(a)  
Filed: June 14, 2010 :  
Attorney Docket No. 2009P010.US [15224US] :

This is in response to the petition under 37 CFR 1.47(a), filed June 14, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Frank Liu, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Frank Liu. In this regard, petitioner states that a potential address was discovered as a result of an internet search. However, petitioner has not specified whether a complete copy of the application papers (specification, claims, drawings, oath, etc.) was sent to new address, along with return receipt requested and a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The**

**statements of fact must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                 Commissioner for Patents  
                                 Post Office Box 1450  
                                 Alexandria, VA 22313-1450

By Hand:                 U. S. Patent and Trademark Office  
                                 Customer Window, Mail Stop PETITIONS  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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PATENT ADMINISTRATOR  
CHEMTURA CORPORATION  
199 BENSON RD.  
MIDLEBURY CT 06749

**MAILED**  
DEC 23 2010  
**OFFICE OF PETITIONS**

In re Application of :  
Liu et al. :  
Application No. 12/815,086 : DECISION GRANTING STATUS  
Filed: June 14, 2010 : STATUS UNDER 37 CFR 1.47(a)  
Attorney Docket No. 2009P010.US [15224US] :

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 22, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Frank Liu, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to Technology Center AU 1762 for examination on the merits.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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**FRANK LIU  
742 NOBLE COURT  
WEST LAFAYETTE, IN 47906**

**MAILED**

**DEC 23 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Liu et al.	:	
Application No. 12/815,086	:	ON PETITION
Filed: June 14, 2010	:	
Attorney Docket No. 2009P010.US [15224US]	:	

Mr. Liu;

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,099	06/14/2010	Hayato Nishimura	8073P963	1669
7590 03/07/2011 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER HAROLD, JEFFEREY F	
			ART UNIT 2422	PAPER NUMBER
			MAIL DATE 03/07/2011	DELIVERY MODE PAPER

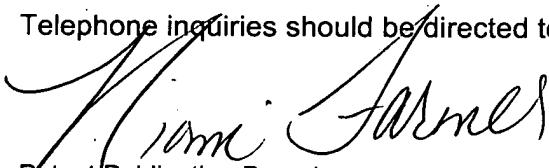
## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/815,183	Confirmation Number	1860	Filing Date	2010-06-14
Attorney Docket Number (optional)	3101.002	Art Unit	3637	Examiner	Rohrhoff, Daniel
First Named Inventor	Bernard Fryshman				
Title of Invention	Combination Table and Partition				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Bernard		Fryshman			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Tuvia Rotberg/		Date (YYYY-MM-DD)	2011-11-17	
Name	Tuvia Rotberg		Registration Number	58167	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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In re Application of  
Bernard Fryshman

Application No. 12815183

Filed: June 14, 2010

Attorney Docket No. 3101.002

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-NOV-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

**MAILED**

**SEP 02 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Robert K. Rowe et al. :  
Application No. 12/815,196 :  
Filed: June 14, 2010 :  
Attorney Docket No: 020204-004210US :

**ON PETITION**

This is a decision on the petition filed March 16, 2011 under 37 CFR 1.137(b)<sup>1</sup>, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on August 24, 2010, for failure to timely reply to the Notice to File Missing Parts, mailed June 23, 2010, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed March 7, 2011.

The filing of the response to the Notice to File Missing Parts mailed June 23, 2010 is acknowledged.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

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<sup>1</sup> A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,252	06/14/2010	Joseph A. Walker	41328	1017
23589	7590	11/22/2011		
Hovey Williams LLP			EXAMINER	
10801 Mastin Blvd., Suite 1000			LEE, BENJAMIN C	
Overland Park, KS 66210			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			11/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Hovey Williams LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park KS 66210

In re Application of  
WALKER et al.  
Application No.: 12/815,252  
Filed: 14 June 2010  
Attorney Docket No.: 41328  
For: BURST INDICATOR

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 10 November 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6) and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (7).


Regarding requirement (7), applicant has failed to submit copies of the two JP documents cited in the PCT.

Applicant is given ONE opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 54961

Application Number  
(if known): 12/815,327

Filing date: 6/14/2010

First Named  
Inventor: Hum

Title: LED Array with Improved Color and Flux Consistency

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**


This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: \_\_\_\_\_

Signature 	Date November 18, 2010
Name (Print/Typed) Calvin B. Ward	Registration Number 30,896
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION

Attorney Docket: 54961

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Hum, et al	
Serial No.:	12/815,327	
Filed:	6/14/2010	
For:	LED Array with Improved Color and Flux Consistency	
Group Art Unit:	not yet assigned	Examiner: not yet assigned


**STATEMENT OF SPECIAL STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits that the above-identified patent application should be afforded special status under the green technology pilot program as pertaining to energy conservation. Applicant suggests the classification 257/79 as an appropriate classification for this application, as the subject matter of the invention specifically concerns light emitting diode structures, which are not only active solid state devices, as covered by classification 257, but also incoherent light emitters, as covered by sub-classification 79.

Respectfully Submitted,



Calvin B. Ward  
Registration No. 30,896  
Date November 18, 2010

18 Crow Canyon Court, Suite 305  
San Ramon, CA 94583  
Telephone (925) 855-0413  
Telefax (925) 855-9214



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,327	06/14/2010	David Hum	54961	1142
28241 7590 11/30/2010 THE LAW OFFICES OF CALVIN B. WARD 18 CROW CANYON COURT, SUITE 305 SAN RAMON, CA 94583			EXAMINER NEGRON, ISMAEL	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 11/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

In re Application of	:	
David HUM	:	DECISION ON PETITION
Application No. 12/815,327	:	TO MAKE SPECIAL UNDER
Filed: June 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54961	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2885 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS**

In re Application of :  
David Hum :  
Application Number: 12/815327 :  
Filing or 371(c) Date: 06/14/2010 :  
Attorney Docket Number: 54961 :

**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on October 22, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

Douglas Wood  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BAKER & HOSTETLER LLP  
WASHINGTON SQUARE, SUITE 1100  
1050 CONNECTICUT AVE. N.W.  
WASHINGTON DC 20036-5304**

**MAILED**

**DEC 07 2010**

**OFFICE OF PETITIONS**

In re Application of :

GRUNWALD, Sorin :

Application No. 12/815,331 :

Filed: June 14, 2010 :

Attorney Docket No. 40792.24003 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 15, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Adam Treiber on behalf of all attorneys of record who are associated with customer No. 30734. All attorneys/agents associated with the Customer Number 30734 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Sorin Grunwald at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **SORIN GRUNWALD  
59 RUE BRANCION, APT. 6  
PARIS 75015  
FRANCE**



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : October 7, 2011

In re Application of :

Robert VAUGHAN

Application No : 12815335

Filed : 14-Jun-2010

Attorney Docket No : USGINZ03771

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by John U. Han (registration no. 45565 ) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name USGI Medical, Inc.  
Name2  
Address 1 1140 Calle Cordillera  
Address 2  
City San Clemente  
State CA  
Postal Code 92673  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12815335	
Filing Date	14-Jun-2010	
First Named Inventor	Robert VAUGHAN	
Art Unit	3734	
Examiner Name		
Attorney Docket Number	USGINZ03771	
Title	TISSUE MANIPULATION AND SECUREMENT SYSTEM	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		40518 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	USGI Medical, Inc.	
Address	1140 Calle Cordillera	
City	San Clemente	
State	CA	
Postal Code	92673	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Johney U. Han/
Name	Johney U. Han
Registration Number	45565



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : October 7, 2011

In re Application of :

Boris REYDEL

Application No : 12815348

Filed : 14-Jun-2010

Attorney Docket No : USGNZ04211

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by Johny U. Han (registration no. 45565 ) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name USGI Medical, Inc.  
Name2  
Address 1 1140 Calle Cordillera  
Address 2  
City San Clemente  
State CA  
Postal Code 92673  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12815348	
Filing Date	14-Jun-2010	
First Named Inventor	Boris REYDEL	
Art Unit	3731	
Examiner Name	KATHLEEN SONNETT	
Attorney Docket Number	USGNZ04211	
Title	APPARATUS AND METHODS FOR ENDOSCOPIC SUTURING	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">40518</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	USGI Medical, Inc.	
Address	1140 Calle Cordillera	
City	San Clemente	
State	CA	
Postal Code	92673	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Johney U. Han/
Name	Johney U. Han
Registration Number	45565



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,351	06/14/2010	Adam Leff	R016-P09337US	1196
33356	7590	05/18/2011		
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			EXAMINER STAMBER, ERIC W	
			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@socalip.com



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of	:	
Adam Leff et al.	:	
Serial No.: 12/815,351	:	DECISION ON PETITION
Filed: June 14, 2010	:	UNDER 37 CFR 1.84(a)(2) TO
For: PERSONALIZED COUPON SYSTEM	:	ACCEPT COLOR DRAWINGS
	:	

This is a decision on the petition under 37 CFR 1.84(a)(2), filed June 14, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings, specifically identified as FIGS. 13 and 14, be accepted in lieu of black and white drawings.

A grantable petition under 37 CFR 1.84(a)(2) must be accompanied by a fee set forth under 37 CFR 1.17(h), three (3) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph of the brief description of the drawings:

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and three (3) sets of color drawings of figures 1-14. The specification at page 3, paragraph [0007] did contain the required notification described above.

The petition is **GRANTED**.

/Eric W. Stamber/

---

Eric W. Stamber  
Supervisory Patent Examiner  
Art Unit 3622

SoCal IP Law Group LLP  
310 N. Westlake Blvd., STE 120  
Westlake Village, CA 91362



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**DEC 16 2010**

**OFFICE OF PETITIONS**

Nancy Lord, Ltd  
1970 N. LESLIE RD.  
NO. 220  
PAHRUMP, NV 89060

In re Application of :  
Melanie Childers :  
Application No. 12/815,392 : ON PETITION  
Filed: June 14, 2010 :  
Attorney Docket No.: CHILD-002 :

This is in response to the petition under 37 CFR 1.53(a), filed October 20, 2010, requesting, in effect, that the above-referenced application be accorded a filing date of June 14, 2010.

The petition is not signed by a registered patent practitioner of record. However, in accordance with 37 CFR 1.34, the signature of Ms. Nancy Lord appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office (USPTO) that she is authorized to represent the particular party on whose behalf she acts.

A review of the record discloses that application papers for the above-identified application were deposited on June 14, 2010. However on June 25, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (Notice) stating that the application had not been accorded a filing date because the application was deposited without drawings. It is noted that a second Notice was mailed on October 4, 2010. On October 20, 2010, the present petition was filed, wherein petitioner requests that the application be amended to include the inadvertently omitted drawings under the provisions of 37 CFR 1.57(a).

Petitioner's request is considered; however, it is noted that the application, as filed, contains method claims. It is the USPTO's practice to treat an application that contains at least one process or method claim as an application for which a drawing is not

necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). Accordingly, the USPTO should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

An amendment complying with 37 CFR 1.57(a) and 37 CFR 1.121 should be filed. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of June 14, 2010 with no drawings present in the application, the petition is **GRANTED**.

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is necessary. The \$400 petition fee is being credited to counsel's deposit account.

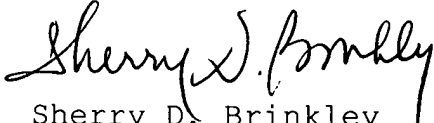
The "Notice of Incomplete Nonprovisional Application" mailed on June 25, 2010, was sent in error and is hereby vacated to the extent that it stated that the application was incomplete.

Receipt of the preliminary amendment filed on August 26, 2009, is acknowledged. The amendment will be reviewed by the examiner to determine whether it contains any new matter.

The application will be processed and examined using the application papers filed on June 14, 2010.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of June 14, 2010, using only the application papers filed on that date, and for an indication in Office records that no (0) drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3204.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD VA 22116**

**MAILED**

**OCT 04 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Richard Lee-Chee KUO :  
Application No. 12/815,421 :  
Filed: June 15, 2010 :  
Attorney Docket No. ISCP0006USA :

**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **KLEIN, O'NEILL & SINGH, LLP  
18200 VON KARMAN AVENUE  
SUITE 725  
IRVINE CA 92612**



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/815439	Filing date:	06-15-2010
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First Named Inventor:	Hipskind
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Title of the Invention:	DISUBSTITUTED PHTHALAZINE HEDGEHOG PATHWAY ANTAGONISTS
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**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/038568

**The international filing date of the corresponding PCT application(s) is/are:** 06/15/2010

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.:	
First Named Inventor:	

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on October 22, 2010

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on October 22, 2010**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9-11		
12		
13	9	
14-15		
16	10	
17-18		
	11	
	12	

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <u>/John C. Demeter/</u>	Date <u>05-02-2011</u>
Name (Print/Typed) <u>John C. Demeter</u>	Registration Number <u>30167</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Alexandria, VA 22313-1450  
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**ELI LILLY & COMPANY  
PATENT DIVISON  
P.O. BOX 6288  
INDIANAPOLIS IN 46206-6288**

**MAILED**

**APR 12 2012**

**OFFICE OF PETITIONS**

**In re Application of  
HIPSKIND, et al  
Application No.: 12/815,439  
Filed: June 15, 2010  
Attorney Docket No.: X18698  
For: DISUBSTITUTED PHTHALAZINE  
HEDGEHOG PATHWAY  
ANTAGONISTS**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on May 2, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, Australia, Austria, KIPO, NPI, Russia, Spain, Sweden, Finland, China, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

## REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/815,454	Filing Date:	June 15, 2010
First Named Inventor:	Yoshitaka IWAH		
Attorney Docket No.:	0229-1121PUS1		

Title of the  
Invention: PNEUMATIC TIRE

**THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.**

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

**The JPO/PCT application number(s) is/are:**

JP 2009-180896

**The filing date of the JPO/  
PCT application(s) is/are:**

August 3, 2009

**I. List of Required Documents:**

- a. **A copy of the latest JPO office actions (other than "Decision to Grant a Patent") in the above-identified JPO application(s)**

☐ Is attached.

☒ Is not attached because the JPO application was allowed in a first office action.

\*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

- b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s)**

☒ Is attached.

- c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

- d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☒ Is attached.

☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_

**(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

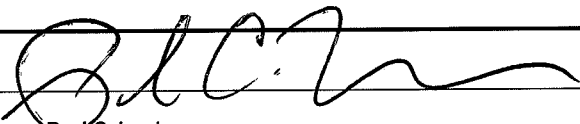
**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH)**  
**BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO**  
 (continued)

Application No.:	12/815,454
First Named Inventor:	Yoshitaka IWAI

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
1	1	Identical, except line 3 "both side" is "both sides" in U.S. claim
2	2	Identical, except line 4 reference numeral "(5)" is deleted in U.S. claim
3	3	Identical, except for multiple dependency
4	4	Identical, except for multiple dependency
5	5	Identical, except for multiple dependency and reference numeral "(14)" in line 8
6	6	Identical, except for reference numeral "(14)" in line 2
7	7	Identical
8	8	Identical, except for multiple dependency
9	3	identical to claim 3, dependent on claim 2
10	4	identical to claim 4, dependent on claim 2
11	4	identical to claim 4, dependent on claim 3
12	5	identical to claim 5, dependent on claim 2, except for "(14)" in line 8
13	5	identical to claim 5, dependent on claim 3, except for "(14)" in line 8
14	5	identical to claim 5, dependent on claim 4, except for "(14)" in line 8
15	8	identical to claim 8, dependent on claim 2, except for "(14)" in line 2
16	8	identical to claim 8, dependent on claim 3, except for "(14)" in line 2
17	8	identical to claim 8, dependent on claim 4, except for "(14)" in line 2
18	8	identical to claim 8, dependent on claim 5, except for "(14)" in line 2
19	8	identical to claim 8, dependent on claim 6, except for "(14)" in line 2
20	8	identical to claim 8, dependent on claim 7, except for "(14)" in line 2

**III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.**

Signature 	Date July 20, 2011
Name (Print/Typed) Paul C. Lewis	Registration Number 43368



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,454	06/15/2010	Yoshitaka IWAI	0229-1121PUS1	1446
2292 7590 11/07/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MAKI, STEVEN D	
			ART UNIT 1747	PAPER NUMBER
			NOTIFICATION DATE 11/07/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com





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11/7/11

In re application of	:	DECISION ON REQUEST TO
Yoshitaka Iwai	:	PARTICIPATE IN PATENT
Serial No. 12/815,454	:	PROSECUTION HIGHWAY
Filed: June 15, 2010	:	PROGRAM AND
Attorney Docket No: 0229-1121PUS1	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 20, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
  - b. An English translation of the allowable/ patentable claim(s), if applicable; and
  - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
  - a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
  - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
  - a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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SOFER & HAROUN, LLP.  
317 MADISON AVENUE, SUITE 910  
NEW YORK, NY 10017

**MAILED**

**JAN 14 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Olivier Pinto	:	
Application No. 12/815,504	:	DECISION GRANTING PETITION
Filed: June 15, 2010	:	
Attorney Docket No. 979-042CON	:	

This is a decision on the petition filed September 2, 2010, requesting that the above-identified application be accorded a filing date of June 15, 2010.

The application was deposited on June 15, 2010. However, on June 25, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (Notice) requiring drawings, the filing fee of \$330, an executed Oath/Declaration, the examination fee of \$220, the search fee of \$540 and \$52 for the additional claim fee. The Notice stated that the filing date of the application would be the date of receipt of all the omitted items.

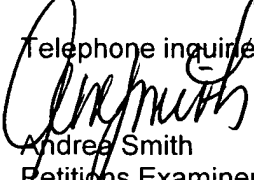
In response, on September 2, 2010, the present petition was filed. Petitioner states "that the first two items (oath and fee) and are not required for a filing date..." Petitioner further states, "Regarding the submission of figures, Applicant submits that no drawings are 'necessary for the understanding of the subject matter sought to be patented' as per the requirements of 35 U.S.C. § 113."

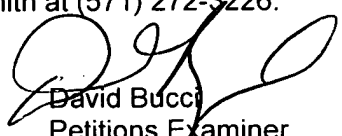
Since the petition contains a statement that the drawings are not necessary, the petition is **granted**.

In view of the above, the petition fee of \$400 is not required<sup>1</sup>. However, it is noted that the Notice mailed June 25, 2010, fails to mention that a \$130 surcharge is required for the late filing of a filing fee, search fee, examination fee, or an Oath or Declaration. Therefore, this fee must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136 are permitted.

This application file is being referred to the Office of Patent Application Processing for further processing with a filing date of June 15, 2010, and to await the late filing surcharge of the \$130.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

  
David Bucca  
Petitions Examiner

<sup>1</sup> Petitioner should note that the petition filed on September 2, 2010, asserts "The Petition Fee of \$400 (37 CFR 1.17(f)) is submitted herewith. Applicant requests a refund upon the granting of the present petition." A review of the record discloses that the United States Patent and Trademark Office did not receive the \$400 petition fee or any general authorization to charge a deposit account. Therefore, since the petition fee is ultimately not necessary, nothing is being refunded.



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MAGINOT, MOORE & BECK, LLP  
CHASE TOWER  
111 MONUMENT CIRCLE  
SUITE 3250  
INDIANAPOLIS IN 46204

**MAILED**

**OCT 22 2010**

**OFFICE OF PETITIONS**

In re Application of	:
Roger Miller et al.	:
Application No. 12/815,524	:
Filed: June 15, 2010	:
Attorney Docket No. R331076-AF (1576-0596) :	DECISION ACCORDING STATUS
	UNDER 37 CFR 1.47(a)

This is in response to the petition filed September 22, 2010 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on June 15, 2010 with a declaration signed by all joint inventors except joint inventor Milan Klimes. Accordingly, a Notice to File Missing Parts was mailed June 23, 2010 requiring, a fully executed oath or declaration and a surcharge for its late filing.

In response, a one month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioners claim that joint inventor Klimes refuses to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by joint inventor Klimes, but to date has not returned an executed copy of the oath or declaration and thus by his actions, refuses to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby **accorded Rule 1.47(a) status**.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee and the extension of time fee have been charged to deposit account no. 13-0014.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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Cantor Colburn LLP  
20 Church Street  
22nd Floor  
Hartford CT 06103

**MAILED**

**SEP 12 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of:  
NAGATSUKA et al.  
U.S. Application No.: 12/815,532  
Filing Date: August 17, 2009  
Attorney's Docket No.: KOT0496US  
For: DYNAMIC IMAGE PROCESSING SYSTEM

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**DECISION**

This decision is issued in response to applicant's Petition under 37 CFR 1.78(a)(3) dated March 23, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application set forth set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

*The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.*

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2624 appropriate action on the amendment filed March 23, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the prior-filed applications.



Boris Milef  
PCT Legal Examiner  
Office of PCT Legal Administration



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**ROHM AND HAAS ELECTRONIC MATERIALS  
CMP HOLDINGS, INC.  
451 BELLEVUE ROAD  
NEWARD DE 19713**

**MAILED**

**MAY 02 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
GUO, et al	:	
Application No. 12/815,564	:	DECISION ON PETITION
Filed: June 15, 2010	:	
Attorney Docket No. 69991	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed June 21, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment to the Abstract; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions





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BUHLER ASSOCIATES  
BUHLER, KIRK A.  
1101 CALIFORNIA AVE.  
SUITE 208  
CORONA CA 92881

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

In re Application of  
Mohammad Ashraf Rajpoot  
Application No. 12/815,601  
Filed: June 15, 2010  
Attorney Docket No. **AR02-01U**

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**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed January 3, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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BUHLER ASSOCIATES  
BUHLER, KIRK A.  
1101 CALIFORNIA AVE.  
SUITE 208  
CORONA CA 92881

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of  
Mohammad Ashraf Rajpoot  
Application No. 12/815,601  
Filed: June 15, 2010  
Attorney Docket No. **AR02-01U**

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**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed January 21, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Kirk A. Buhler on behalf of all attorneys of record who are associated with Customer Number 37038.

All attorneys/agents associated with Customer Number 37038 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Mohammad Ashraf Rajpoot at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: MOHAMMAD ASHRAF RAJPOOT  
1010 CHAMISE CIRCLE  
CORONA, CA 92882



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FISH & RICHARDSON, P.C.  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022

**MAILED**

**DEC 14 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Duparc, et al.	:	DECISION GRANTING STATUS
Application No. 12/815,618	:	UNDER 37 CFR 1.47(a)
Filed: June 15, 2010	:	
Attorney Docket No. 23067-0093001/	:	
2010P00214	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 23, 2010.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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Jacques Duparc  
Lichtenberger Str. 2  
67346 Speyer  
Germany

**MAILED**

**DEC 14 2010**

**OFFICE OF PETITIONS**

In re Application of  
Duparc, et al.  
Application No. 12/815,618  
Filed: June 15, 2010  
Attorney Docket No. 23067-0093001/  
2010P00214

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

cc: FISH & RICHARDSON, P.C.  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,630	06/15/2010	Christopher R. Keate	2875.2110001	1798

26111 7590 02/14/2012  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2422

MAIL DATE	DELIVERY MODE
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02/14/2012

PAPER

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FEB 14 2012

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

In re Application of: Christopher Keate et al.  
Application No. 12/815,630  
Filed: June 15, 2010  
For: **SYSTEM AND APPARATUS FOR  
RECEIVING DIGITAL TELEVISION  
SIGNALS**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed on December 23, 2011 under 37 CFR § 1.181 to correct the listing of continuity data to Provisional Application No. 60/684,830 for application 12/815,630 on the online PAIR system.

The petition is **DISMISSED**.

Petitioner indicted that (1) on the Pair system the "continuity data" for application number (12/815,630) lists "**This application is a Continuation of 11/915,262 --- 07-07-2009 --- Patented ---7,738,046 --- is National Stage Entry of --- PCT/US2006/020399 --- 05-25-2006 -- - Published ----**" and (2) the Provisional Application No. 60/684,830, filed May 26, 2005 is missing from the listing of the benefit documents that are shown in the "Continuity Data" tab.

The information from the petition was forwarded to the EBC (Electronic Business Center) in an attempt to correct the missing Provisional Application. The response from the EBC is that because the provisional application is being claimed by a PCT application, the provisional will not display.

However, the PAIR system can display the Provisional Application No. 60/684,830 by (a) selecting\entering the parent application No. 11/915,362, then (b) selecting the "Continuity Data" tab.

Additionally, Petitioner's filing receipt and the PALM system are both showing Provisional Application No. 60/684,830, filed May 26, 2005 and all continuity data will be reflected on the patent.

Since the PAIR system has the ability to indirectly show the Provisional Application, and the filing receipt and PALM have all the correct information, the petition is **DISMISSED**.

Any inquiry concerning this decision should be directed to Christopher Grant at (571) 272-7294.

/Christopher Grant/  
Christopher Grant  
Quality Assurance Specialist  
Technology Center 2400  
Networking, Multiplexing, Cable and Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,679	06/15/2010	Kyoo-Heung Yoon	51-2067	1878
57618 7590 04/08/2011 PLUMSEA LAW GROUP, LLC 10411 MOTOR CITY DRIVE SUITE 320 BETHESDA, MD 20817				
EXAMINER PATTERSON, MARIE D				
ART UNIT		PAPER NUMBER		
3728				
MAIL DATE		DELIVERY MODE		
04/08/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA MD 20817

In re Application of	:	
YOON, KYOO-HEUNG et al	:	DECISION ON REQUEST TO
Application No. 12/815,679	:	PARTICIPATE IN PATENT
Filed: June 15, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 51-2067	:	PROGRAM AND PETITION
Title: METHOD FOR MANUFACTURING	:	TO MAKE SPECIAL UNDER
FOOTWEAR LAST, AND FOOTWEAR	:	37 CFR 1.102(a)
LAST MANUFACTURED BY THE METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 24, 2011, to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition met all conditions except Items #2 and 3 above.

The claim chart omitted the comparison of US claims 1-2 with KIPO claims 1-2. There is no positive search opinion showing KIPO allowed claims 1-2. Therefore, the petition cannot be granted without cancellation of claims 1-2.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856. All other inquiries concerning the examination or status of the application should be directed to Examiner Marie Paterson at 571-270-1858.

The petition is dismissed.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,679	06/15/2010	Kyoo-Heung Yoon	51-2067	1878
57618 7590 04/28/2011 PLUMSEA LAW GROUP, LLC 10411 MOTOR CITY DRIVE SUITE 320 BETHESDA, MD 20817				
			EXAMINER PATTERSON, MARIE D	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 04/28/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA MD 20817

In re Application of	:	
YOON, KYOO-HEUNG et al	:	DECISION ON REQUEST TO
Application No. 12/815,679	:	PARTICIPATE IN PATENT
Filed: June 15, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 51-2067	:	PROGRAM AND PETITION
Title: METHOD FOR MANUFACTURING	:	TO MAKE SPECIAL UNDER
FOOTWEAR LAST, AND FOOTWEAR	:	37 CFR 1.102(a)
LAST MANUFACTURED BY THE METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 27, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Mickey Yu, the SPE of Art Unit 3728 at 571-272-4562 for Class 12/133 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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PCT LEGAL ADMINISTRATION

PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA MD 20817

In re Application of	:	
YOON et al.	:	
Application No.: 12/815,679	:	DECISION
Filing Date: June 15, 2010	:	
Attorney Docket No.: 51-2067	:	
For: METHOD FOR MANUFACTURING	:	
FOOTWEAR LAST, AND FOOTWEAR LAST	:	
MANUFACTURED BY THE METHOD	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed February 2, 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

### **BACKGROUND**

On June 15, 2010, applicants filed above-identified application including a declaration of inventors signed by four of the five joint inventors.

On June 25, 2010, the USPTO issued a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b), Filing Date Granted. This NOTICE did not require a declaration of inventors.

On February 2, 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a copy of the petition under 37 CFR 1.47(a) filed in parent application 12/299,337 and a supplemental statement of facts by Jungkun Shin.

### **DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1)-(4) have been met. As to item (2), the supplemental statement of facts establishes that non-signing inventor Kil-Po Kim was presented with a copy of the application papers and that Mr. Kim refused to sign.

**CONCLUSION**

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301



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**MAILED**

**SEP 13 2011**

**PCT LEGAL ADMINISTRATION**

Mr. Kil-Po Kim  
Donga Apt. 305-802  
1115-4, Nae-Dong,  
Gimhae-City, Gyeongnam-do  
REPUBLIC OF KOREA

In re Application of  
YOON et al.

Application No.: 12/815,679

Filing Date: June 15, 2010

Attorney Docket No.: 51-2067

For: METHOD FOR MANUFACTURING FOOTWEAR LAST, AND FOOTWEAR LAST  
MANUFACTURED BY THE METHOD

Dear Mr. Kim:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer  
PCT Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301

PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA MD 20817





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COOPER & DUNHAM, LLP  
30 ROCKEFELLER PLAZA  
20<sup>TH</sup> FLOOR  
NEW YORK NY 10112

**MAILED**  
**JUN 08 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
WANG, et al	:	DECISION REFUSING STATUS
Application No. 12/815,696	:	UNDER 37 CFR 1.47(a)
Filed: June 15, 2010	:	
Attorney Docket No. 6949/81719	:	

This is in response to the petition under 37 CFR 1.47(a) Petition by Joint Inventors filed November 24, 2010 and the petition under 37 CFR 1.137(b) filed March 8, 2011.

The petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b) are both **DISMISSED**.

**PETITION UNDER 37 CFR 1.47(a)**

Rule 1.47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

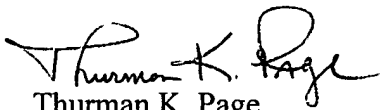
- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest: and
- (6) proof of irreparable damage.

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**Post Office Box 1450**  
**Alexandria, VA 22313-1450**

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries should be directed to Diane Goodwyn at (571) 272-6735.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**COOPER & DUNHAM, LLP  
30 ROCKEFELLER PLAZA  
20<sup>TH</sup> FLOOR  
NEW YORK NY 10112**

**MAILED**

**JAN 03 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
WANG, et al	:	DECISION GRANTING STATUS
Application No. 12/815,696	:	UNDER 37 CFR 1.47(a)
Filed: June 15, 2010	:	
Attorney Docket No. 6949/81719	:	

This is in response to the petition under 37 CFR 1.47(a) Petition by Joint Inventors and the petition under 37 CFR 1.137(b) both filed November 30, 2011.

The petitions are **GRANTED**.

**PETITION UNDER 37 CFR 1.47(a)**

Petitioner has shown that joint inventor Ming Wang has refused to join in the filing of the above-identified application by refusing to sign the declaration and application papers. The petition filed November 24, 2010 and Request for Reconsideration filed November 30, 2011, combined show proof of the pertinent facts, the fee set forth in 37 CFR 1.17(g) has been provided and the last known address of the non-signing inventor has been indicated. Accordingly, the application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

**PETITION UNDER 37 CFR 1.137(b)**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 24, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) for three (3) months was obtained. Accordingly, the application became abandoned on November 25, 2010.

As the petition under 37 CFR 1.47(a) is grantable, the reply required by 37 CFR 1.137(b) has now been provided. Further, petitioner has provided all the requirements set out under 37CFR 1.137(b). In this regard the petition to revive an unintentionally abandoned application is granted.

The Office acknowledges the four (4) month extension of time filed with the petition dated November 30, 2011.

This application is being referred to the Office of Data Management for pre-examination processing.

Telephone inquiries regarding this decision should be directed to Diane Goodwyn at (571) 272-6735.

A handwritten signature in black ink, appearing to read "Thurman K. Page", is written over the printed name.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**MING WANG  
1660 LYLE DRIVE  
SAN JOSE, CA 95129**

**MAILED**

**JAN 03 2012**

**OFFICE OF PETITIONS**

In re Application of :  
WANG, et al  
Application No. 12/815,696 :  
Filed: November 28, 2006  
For: SPECTROPHOTOMETRIC MONITORING :  
OF MULTIPLE LAYER TISSUE  
STRUCTURES

Mr. Wang

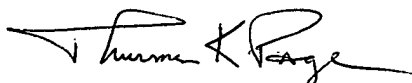
You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Diane Goodwyn at (571) 272-6735.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the

application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with a large initial "T" and "K".

Thurman K. Page  
Petitions Examiner  
Office of Petitions

cc: IVAN S. KAVRUKOV  
COOPER & DUNHAM LLP  
30 ROCKEFELLER PLAZA, 20<sup>TH</sup> FLOOR  
NEW YORK, NY 10112



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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**JOHNS HOPKINS TECHNOLOGY TRANSFER  
100 N. CHARLES ST.  
5TH FLOOR  
BALTIMORE MD 21201**

**MAILED  
JUN 20 2011  
OFFICE OF PETITIONS**

In re Application of :  
Joshua J. Sims et al. :  
Application No. 12/815,740 : **DECISION ON PETITION**  
Filed: June 15, 2010 :  
Attorney Docket No. P10576-02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed June 29, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 30, 2010. A Notice of Abandonment was mailed March 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration, \$65 surcharge fee sequence listing, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fee, oath and declaration and sequence listing are accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,175 extension of time fee submitted with the petition on May 13, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

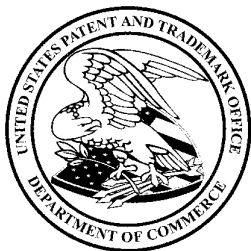
Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.



This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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Decision Date : January 11, 2012

In re Application of :

David Pazdernik

Application No : 12815753

Filed : 15-Jun-2010

Attorney Docket No : 1586-052

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 11, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

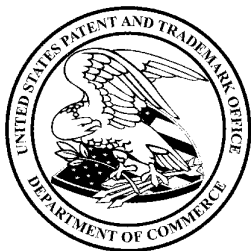
As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12815753	
Filing Date	15-Jun-2010	
First Named Inventor	David Pazdernik	
Art Unit	1638	
Examiner Name	ELIZABETH MCELWAIN	
Attorney Docket Number	1586-052	
Title	Soybean Cultivar S090130	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12815785	
Filing Date	15-Jun-2010	
First Named Inventor	Norman Van Meeteren	
Art Unit	1638	
Examiner Name	ELIZABETH MCELWAIN	
Attorney Docket Number	1586-053	
Title	Soybean Cultivar S090090	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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Decision Date : January 11, 2012

In re Application of :

Norman Van Meeteren

Application No : 12815785

Filed : 15-Jun-2010

Attorney Docket No : 1586-053

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 11, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,818	06/15/2010	Takeshi OGITA	356230US8	2128
7590 03/05/2012 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			03/05/2012	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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CAROL WILSON  
BP AMERICA INC.  
MAIL CODE 5 EAST  
4101 WINFIELD ROAD  
WARRENVILLE IL 60555

**MAILED**

**FEB 15 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Dumenil	:	
Application No. 12/815,853	:	ON PETITION
Filed: June 15, 2010	:	
Attorney Docket No.: 39453-02	:	

This is a decision on the "Petition for Date of Deposit and Response to Omitted Items in a Nonprovisional Application" filed September 23, 2010. The petition is being treated under 37 CFR 1.182.

The petition is **dismissed**.

The application was deposited on June 15, 2010. On June 28, 2010, the Office of Patent Application Processing mailed the Notice stating, in pertinent part, that the application had been accorded a filing date of June 15, 2010, but Figures 4,5, as described in the specification, appeared to have been omitted. Relative to the alleged omitted figures, the Notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed on September 23, 2010, with a request for an extension of time within the first month. Petitioner concedes that Figures 4,5 did not accompany the original application papers, but requests that the replacement drawings filed September 23, 2010, which include Figure 4,5 be substituted for the drawings filed June 15, 2010, and that the application retain a filing date of June 15, 2010. Alternatively, petitioner requests that the application retain the filing date of June 15, 2010, without Figures 4, 5 as part of the original disclosure.

The arguments have been considered, but are not persuasive. The Patent and Trademark Office (the Office") file is the official record of the papers originally filed in this application; there is a rebuttable presumption that the file record as maintained by the Office is accurate and complete. A review of the application file reveals that Figures 4,5 were not present on June 15, 2010, and petitioner has not provided *prima facie* evidence that Figures 4,5 were received on June 15, 2010. To the contrary, petitioner concedes that Figures 4-5 were not present on June 15, 2010. Accordingly, it is inappropriate to allow the application to retain a filing date of June 15, 2010, with Figures 4-5 as part of the original application papers, at least pursuant to 37 CFR 1.182. The petition is dismissed, accordingly.

It is noted that petitioner states that a priority claim under 37 CFR 1.78 to prior-filed application 12/336,619 was present on filing and that the prior-filed application contains Figures 4,5. Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporation by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification or drawings. When using 37 CFR 1.57, applicant's are required to amend the application to include the inadvertently omitted material, supply a copy of the prior-filed application, and identify where the inadvertently omitted portion of the drawing can be found in the prior-filed application.

It is noted that 37 CFR 1.57(a)(3) indicates that if the application is not otherwise entitled to a filing date under 37 CFR 1.53(b), the amendment must be by way of the petition. This application was determined to be entitled to a filing date, however. Accordingly, a petition is not required to amend the application pursuant to 37 CFR 1.57. If petitioner desires to have Figures 4,5 included as part of the original disclosure, petitioner must file an amendment pursuant to 37 CFR 1.57(a) to include the inadvertently omitted figures supply a copy of the prior-filed application, and identify where the inadvertently omitted portion of the drawing can be found in the prior-filed application.

**The application is being directed to the Office of Patent Application Processing for further processing with a filing date of June 15, 2010, not including Figures 4, 5 and for issuance of a filing receipt. If applicants file an amendment under 37 CFR 1.57(a) to include the omitted figures, said amendment, and whether to enter the amendment, will be considered by the examiner assigned to the application.**

Questions regarding the petition for later filing date should be directed to the Office of Patent Application Processing. Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 20231

Date

: December 8, 2011

Patent No. :8016729  
Inventor(s) :12/815873  
Issued :September 13, 2011  
Title :EXERCISE MACHINE HAVING ROTABLE WEIGHT SELECTION  
:INDEX

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above identified patent under the provisions of Rule(s) 1.322 and 1.323.

Respecting the alleged error(s) in the References Cited, the patent is printed in accordance with the record, since the references(s) was not in conformance. Entry therefore is not warranted as ordered here under Rules 1.322 or 1.323.

In view of of the foregoing, applicants request is hereby denied. Telephone inquiries should be directed to Ms. A. Green at (571) 272-9005.

Mary Diggs, Supervisor  
Decisions & Certificates  
of Correction Branch

(703) 756-1580 or (571) 272-9005

Dorsey & Whitney LLP  
1400 Wewatta Street, Ste 400  
Denver, Co 80202

/arg



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NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

**MAILED**

**OCT 18 2010**

**OFFICE OF PETITIONS**

In re Application of  
Xin Wang, et al.  
Application No. 12/815,888  
Filed: June 15, 2010  
Attorney Docket No. 111325-231000

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Jeffrey L. Costellia on behalf of all attorneys of record who are associated with customer No. 22204. All attorneys/agents associated with the Customer Number 22204 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: XIN WANG  
3720 EMERALD STREET, #V2  
TORRANCE, CA 90503

cc: CONTENTGUARD HOLDINGS. INC  
222 N. SEPULVEDA BLVD.,  
SUITE 1400  
EL SEGUNDO, CA 90245



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/815,888	06/15/2010	Xin WANG	111325-231000

CONFIRMATION NO. 2260

POWER OF ATTORNEY NOTICE



22204  
NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

Date Mailed: 10/14/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/10/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **PLR-06-23794.06P** Application Number (if known): **12/815,907** Filing date: **June 15, 2010**

First Named Inventor: **Stephen G. Crain**

Title: **ELECTRIC VEHICLE**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Publication Fee

Signature **/Jessica L. Van Dalen/**

Date **August 11, 2011**

Name (Print/Typed) **Jessica L. Van Dalen**

Registration Number **66,707**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Application No.:</i>	12/815,907	}	<i>Confirmation No.:</i> 2300
<i>Applicants:</i>	Stephen G. Crain		
<i>Filed:</i>	June 15, 2010		
<i>Title:</i>	ELECTRIC VEHICLE		
<i>Art Unit:</i>	3618		
<i>Examiner:</i>	Brodie J. Follman		
<i>Atty. Docket No.:</i>	PLR-06-23794.06P		
<i>Customer No.:</i>	93175		

**STATEMENT OF SPECIAL STATUS UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

This Statement of Special Status accompanies a Petition to Make Special Under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). More particularly, the present application provides an electric vehicle having a battery supply and a method of charging the battery supply. Applicants note that the pending independent and dependent claims do not recite an internal combustion engine. As such, the claimed electric vehicle does not include an internal combustion engine and, instead, "the groups of batteries 304A, 304B...[are] a source of power to drivetrain 112" (Para. [00089]). The batteries and the electric motor of the electric vehicle recited in the pending claims reduce energy consumption in combustion systems because a combustion engine is not necessary to power the vehicle. Furthermore, the claimed electric vehicle "results in more efficient operation, and reduced motor and controller temperature"

Application No. 12/815,907  
Statement dated August 11, 2011

(Para. [000114]). Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. By using batteries to power the drivetrain, the electric vehicle of the pending claims eliminates the need for an internal combustion engine that requires fossil fuels and emits greenhouse gas byproducts through the exhaust system of a vehicle. For these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. For example, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

The application has already published as Publication No. 2010/0314182 A1. Applicants authorize payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen

Registration No. 66,707

Attorney for Applicants

**BAKER & DANIELS LLP**

300 North Meridian Street

Suite 2700

Indianapolis, Indiana 46204

Telephone: 317-237-1054

Facsimile: 317-237-1000

Date Submitted: August 11, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,907	06/15/2010	Stephen G. Crain	PLR-06-23794.06P	2300
93175	7590	09/16/2011		
Baker & Daniels LLP-Polaris 300 N. Meridian Street Suite 2700 Indianapolis, IN 46204			EXAMINER FOLLMAN, BRODIE J	
			ART UNIT 3618	PAPER NUMBER
			NOTIFICATION DATE 09/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intead@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com





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SEP 15 2011

Baker & Daniels LLP-Polaris  
300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

In re Application of	:	
STEPHEN CRAIN et al.	:	DECISION ON PETITION
Application No. 12/815,907	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-06-23794.06P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, it is noted that claims 6-8 recites a generator. The generator is an internal combustion engine to charge the battery system as disclosed in paragraph [000160] of the specification. It is well known that the internal combustion engine uses gasoline/fossil fuels to generate power and produces carbon dioxide which is a greenhouse gas. In using the internal combustion engine to generate power to operate the electric motor, not only the claimed invention does not reduce greenhouse gas emission, there is no evidence in the disclosure of the application that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources such as petroleum/fossil fuels. Therefore, petitioners' assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Application No.:</i>	12/815,907	}	<i>Confirmation No.:</i> 2300
<i>Applicants:</i>	Stephen G. Crain		
<i>Filed:</i>	June 15, 2010		
<i>Title:</i>	ELECTRIC VEHICLE		
<i>Art Unit:</i>	3618		
<i>Examiner:</i>	Brodie J. Follman		
<i>Atty. Docket No.:</i>	PLR-06-23794.06P		
<i>Customer No.:</i>	93175		

**REQUEST FOR RECONSIDERATION UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

In response to the Decision on Petition to Make Special Under The Green Technology Pilot Program, dated September 16, 2011 (hereinafter “the Decision”), Applicants respectfully request that the above-identified patent application be reconsidered for special status under the Green Technology Pilot Program. According to the Decision, Applicants’ statement of special status, filed on August 11, 2011, was insufficient to explain how the materiality standard was met, pursuant to Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter “the Notice”). In particular, the Decision stated that “[i]n using the internal combustion engine to generate power...the **claimed** invention does not reduce greenhouse gas emission” (Page 2, ¶ 3) (emphasis added).

The following serves as Applicants’ statement of special status, required by Item 4 of the Notice. Applicants respectfully submit that the present application should be afforded special status under The Green Technology Pilot Program because the claimed electric vehicle and method materially contribute to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, independent claims 1, 10, and 17 of the present application recite, *inter alia*, an electric vehicle, a method of charging a battery supply of an electric vehicle, and an electric vehicle which is charged with a power source, respectively. The electric vehicle recited in claims 1 and 17 comprises “an electric motor...; [and] a battery supply,” however, an internal combustion

engine is not recited therein. Similarly, the method of claim 10 also does not recite an internal combustion engine. As such, the claimed electric vehicle and method do not include an internal combustion engine, thereby materially contributing to the reduction of greenhouse gas emissions because it is well known that the carbon footprint of an electric vehicle is less than that of a vehicle operated by an internal combustion engine. For example, unlike conventional internal combustion engine vehicles, the electric vehicle recited in the claims does not output carbon dioxide or other exhaust gases, which decreases the greenhouse gases emitted into the atmosphere when the vehicle is operating.<sup>1</sup>

With respect to dependent claims 6-8, Paragraph [000160] of the present application discloses, in the alternative, that one embodiment of the present disclosure may include a generator

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<sup>1</sup> Applicants further note that it appears that the USPTO is taking a position contrary to that of the current Obama Administration and the U.S. Department of Energy with respect to advanced technology vehicles. In particular, in President Obama's 2011 State of the Union address, he called for putting one million electric vehicles – a term that includes plug-in hybrid vehicles, extended range electric vehicles, and all-electric vehicles – on the road by 2015. To support this effort, President Obama has proposed steps to encourage America's leadership in the field of electric vehicles, such as improving the tax credits available to purchasers of electric vehicles, infrastructure programs aimed at helping cities prepare for increased demand for electric vehicles, and support for research and development of electric vehicles (See One Million Electric Vehicles By 2015 – February 2011 Status Report, United States of America Department of Energy, available at [http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1\\_million\\_electric\\_vehicles\\_rpt.pdf](http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1_million_electric_vehicles_rpt.pdf), last accessed on October 4, 2011).

Additionally, the U.S. Department of Energy – Energy Efficiency and Renewable Energy, Alternative Fuels and Advanced Vehicles Data Center put forth a publication entitled Benefits of Hybrid and Plug-In Electric Vehicles, which states that “[h]ybrid electric vehicles (HEVs), plug-in electric vehicles (PHEVs), and all-electric vehicles (EVs) have many benefits compared with conventional vehicles: better fuel economy, **lower emissions**, lower fuel costs, increased energy security, and more fueling flexibility (See [http://www.afdc.energy.gov/afdc/vehicles/electric\\_benefits.html](http://www.afdc.energy.gov/afdc/vehicles/electric_benefits.html), last accessed on October 4, 2011) (emphasis added). This publication also states that electric vehicles are considered zero emissions vehicles because no exhaust is emitted from a vehicle tailpipe. Rather, “emissions” from an electric vehicle may be produced by electric power plants, however, “[m]ost categories of emissions are **lower** for electricity generated from power plants than from engines running on gasoline or diesel” (emphasis added). Furthermore, power plants outputting “electricity...generated from nonpolluting, renewable sources [produce] no emissions.”

Applicants submit that the present application does not limit the ways in which the battery supply and, therefore, the electric motor, of the claimed electric vehicle may be powered. Rather, clean and renewable energy sources, such as hydroelectric, geothermal, wind, solar, and other non-carbon polluting energy, may be used to charge the battery supply in order to operate the electric motor. Without speculating as to how a hypothetical end-user might apply the invention and charge the battery supply, Applicants submit that the end-user is not limited to carbon-polluting energy sources for such purpose.

Additionally, with respect to dependent claims 6-8, Applicants submit that hybrid electric vehicles include an electric motor and a generator and also are encouraged by the Obama Administration and the U.S. Department of Energy. More particularly, as stated above, hybrid electric vehicles have lower emissions than internal combustion engine vehicles and, therefore, reduce greenhouse gases. Furthermore, hybrid electric vehicles are equally supported under the Obama Administration's initiative for one million advanced technology vehicles by 2015.

In view of the foregoing, Applicants do not understand how the USPTO policy in regards to green technology can take a position contrary to the policies of the Obama Administration and the U.S. Department of Energy with respect to the same topic. Therefore, Applicants submit that the claimed electric vehicle and method of the present application materially contribute to the reduction in greenhouse gas emissions for at least the foregoing reasons that are well known and widely recognized by current congressional policies.

Application No. 12/815,907

Request for Reconsideration – Green Technology Pilot Program

having an internal combustion engine. However, claims 6-8 do not recite that the generator is an internal combustion engine. Applicants submit that the generator may be any additional power source for an electric motor and it is improper to limit the claimed generator to an internal combustion engine.

Furthermore, Applicants refer to independent claims 1, 10, and 17, which do **not** recite a generator, much less an internal combustion engine. Likewise, dependent claims 2-5, 9, 11-16, and 18-20 also do not recite a generator or an internal combustion engine. Applicants note that MPEP 2111.01 states ““a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment”” (quoting *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F. 3d 870, 875; 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)). Therefore, because none of the claims recite an internal combustion engine, it is improper to conclude that the claimed electric vehicle and method include an internal combustion engine merely because dependent claims 6-8 recite that the electric vehicle of claim 1 may also include a generator. For at least the foregoing reasons, Applicants submit that the electric vehicle and method recited the claims materially contribute to the reduction in greenhouse gas emissions.

Applicants respectfully submit that the present Request satisfies the statement of special status required in Item 4 of the Notice. Furthermore, the accompanying Petition to Make Special Under The Green Technology Pilot Program submitted herewith and the Preliminary Amendment previously filed on August 11, 2011, satisfy the other eligibility requirements for participation in the Green Technology Pilot Program.

The application has already published as Publication No. 2010/0314182 A1. On August 11, 2011, Applicants previously authorized payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP. In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Eric J. Groen/  
Eric J. Groen  
Registration No. 32,230

Application No. 12/815,907

Request for Reconsideration – Green Technology Pilot Program

Attorney for Applicants  
**BAKER & DANIELS LLP**  
300 North Meridian Street  
Suite 2700  
Indianapolis, Indiana 46204  
Telephone: 317-237-0300  
Facsimile: 317-237-1000

Date Submitted: October 13, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,907	06/15/2010	Stephen G. Crain	PLR-06-23794.06P	2300
93175	7590	11/09/2011		
Baker & Daniels LLP-Polaris 300 N. Meridian Street Suite 2700 Indianapolis, IN 46204			EXAMINER FOLLMAN, BRODIE J	
			ART UNIT 3618	PAPER NUMBER
			NOTIFICATION DATE 11/09/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intear@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com



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Baker & Daniels LLP-Polaris  
300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

*Nov. 09, 2011*

In re Application of	:	
Crain et al.	:	
Application No. 12/815,907	:	DECISION ON PETITION
Filed: 6/15/2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. <b>PLR-06-23794.06P</b>	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/13/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Aaron John Mashue )  
Confirmation No.: 2304 )  
Serial No.: 12/815,910 )  
Filing Date: 06-15-2010 )  
Atty Docket No.: 232872 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 5, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0551-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 232872

Application Number  
(if known): 12/815910

Filing date: 06-15-2010

First Named  
Inventor: Aaron John Mashue

Title: GEAR SET, WIND TURBINE INCORPORATING SUCH A GEAR SET AND METHOD OF SERVICING A WIND TURBINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 01-05-2011

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,910	06/15/2010	Aaron John Mashue	232872	2304
52082	7590	01/13/2011		
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			EXAMINER	
			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			01/13/2011	ELECTRONIC

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gpo.mail@ge.com  
allyson.carnaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
MASHUE, AARON JOHN et al	:	DECISION ON PETITION
Application No. 12/815,910	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 232872	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 6, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner argues that the claimed invention relates to development of renewable energy resources or energy conservation. This is not convincing. It is not clear how the claimed gear set with bearing and pinion and servicing method will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. At least claims 1 and 17 have nothing to do with any wind turbine to provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Aaron John Mashue )  
Confirmation No.: 2304 )  
Serial No.: 12/815,910 )  
Filing Date: 06-15-2010 )  
Atty Docket No.: 232872 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 13 January 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to a gear set that can be used for pitching, for example, a blade of a rotor of a wind turbine, a wind turbine incorporating such a gear set, and a method of servicing a wind turbine. In existing wind turbines, the drive gear is harder than the pitch bearing. As a result, the ring gear is the wear component, which wears out first and needs to be replaced when the ring gear reaches its expected operational life. Replacing the ring gear typically requires detaching the rotor from the drive train and using a relatively large, land-based or vessel-based crane to lower the rotor from the top of the tower. This approach is time-consuming, relatively

complicated and expensive. Embodiments of the present invention include a drive gear wherein the hardness of at least the teeth of the drive gear is substantially the same or lower than the hardness of the teeth of the ring gear. As a result, the drive gear should wear out before the ring gear. Because the drive gear is the wear component, it is now possible to replace the drive gear on a regular basis. Due to its size and weight, the drive gear can be replaced without using any crane or lifting device. This approach substantially shortens the replacement time, simplifies the replacement process, and reduces the replacement costs. Thus the present invention materially contributes to the development of renewable energy by reducing replacement costs and reducing the amount of time wind turbine operation is interrupted to replace worn components in a gear set, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 20, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,910	06/15/2010	Aaron John Mashue	232872	2304
52082	7590	01/27/2011	EXAMINER	
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			01/27/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.camaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
MASHUE, AARON JOHN et al	:	DECISION ON PETITION
Application No. 12/815,910	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 232872	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Jan. 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **denied**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the renewed petition, petitioner argues that the claimed invention relates to cost saving and reduction of time consumption in repairs and maintenances. Petitioner argues that the claimed gear set with bearing and pinion can be replaced without using any crane or lifting device. This approach substantially shortens the replacement time, simplifies the replacement process, reduces the replacement costs and down time so that which in turn promotes increased energy production. This line of arguments is not persuasive because the claimed gear set has nothing to do with the wind turbine operation. The claims are directed to repairs and maintenances of a gear set and nor related to the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Under the circumstances, the request to make the above-identified application special under the pilot program for applications pertaining to Green Technologies cannot be granted.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12815913	Filing date:	2010-06-15
First Named Inventor:	Dallas W. MEYER		
Title of the Invention:	ILLUMINATION AGNOSTIC SOLAR PANEL		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFIS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/038702

**The international filing date of the corresponding PCT application(s) is/are:**

2010-06-15

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12815913
First Named Inventor:	Dallas W. MEYER

- ☒

Is attached

7

Has already been filed in the above-identified U.S. application on

- ☒

Are attached.

11

Have already been filed in the above-identified U.S. application on

[illegible]

Signature /R. Burns Israelsen/ Reg. #42685	Date 2012-01-09
Name (Print/Typed) R. Burns Israelsen	Registration Number 42,685

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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MASCHOFF, GILMORE &  
ISRAELSEN  
1441 W. UTE BLVD  
SUITE 100  
PARK CITY, UT 84098-7633

**MAILED**  
**JAN 25 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Dallas W. MEYER, et al.  
Application No.: 12/815,913  
Filed: 15 June 2010  
Attorney Docket No.: T1018.10042US02  
For: ILLUMINATION AGNOSTIC  
SOLAR PANEL

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), 09 January 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**DISCUSSION**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/dab/

David Bucci  
Petitions Examiner  
Office of Petitions





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,936	06/15/2010	CHRISTOPHER MICHAEL CULP	RCA-10687-US (50858US)	2353
79289	7590	06/17/2011	EXAMINER	
Meiers Law Office 7245 Sawmill Run Holland, OH 43528			DAVISON, KATHLEEN G	
			ART UNIT	PAPER NUMBER
			3625	
			NOTIFICATION DATE	DELIVERY MODE
			06/17/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rm@ipatt.com  
ipatt@hotmail.com



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Ray Meiers  
Meiers Law Office  
7245 Sawmill Run  
Holland, OH 43528

In re application of:  
CULP, Christopher Michael

Serial No.: 12/815,936

Filed: June 15, 2010

For: APPARATUS FOR ASSESSING AND METHOD  
FOR DELIVERING AN EQUIPMENT UPGRADE  
PROPOSAL

:  
:  
: **ON PETITION TO**  
: accept color  
: drawings and  
: photographs  
:  
:  
: **UNDER**  
: 37 CFR 1.84  
:

This Decision is in response to the Petition filed on June 15, 2010 for the acceptance of color drawings and photographs, pursuant to 37 CFR 1.84(a)(2) and (b)(2).

The Petition is **GRANTED**.

37 CFR 1.84(a)(2) states, in pertinent parts, that:

*The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:*

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

*The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be*

Art Unit: 3625

*provided by the Office upon request and payment of the necessary fee.*

37 CFR 1.84(b)(1) and(2) states, in pertinent parts, that:

*Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied.*

*The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention.*

*The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.*

In the instant case, the Petition asserts that color photographs are the only practical medium by which to disclose the subject matter and color drawings are necessary to better understand the technical nature of the claimed invention; Petitioner has provided the fee set forth in 37 CFR 1.17(h); the appropriate language pursuant to 37 CFR 1.84(a)(2)(iii) appears in the specification [paragraph 0005]; and the photographs are of sufficient quality for reproduction.

Petitioner has additionally electronically filed attachment RCA-10687-US\_Drawings.pdf which has been placed in the electronic application file. This attachment is acceptable in lieu the required 3 sets of color drawings.

Inasmuch as Petitioner has adequately satisfied all of the requirements for acceptance of color drawings and photographs pursuant to 37 CFR 1.84(a)(2) and (b)(2), the Petition is granted and the Office accepts color drawings and photographs in this utility patent application.

Any questions concerning this decision should be referred to Jeffrey A. Smith at (571) 272-6763.

Application/Control Number: 12/815,936

Page 4

Art Unit: 3625

/Jeffrey A. Smith/  
Jeffrey A. Smith  
Supervisory Patent Examiner  
Technology Center 3600  
Art Unit 3625  
(571) 272-6763

jas/jas: 06/12/2011



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**CARR & FERRELL LLP  
120 CONSTITUTION DRIVE  
MENLO PARK CA 94025**

**MAILED  
MAR 09 2011  
OFFICE OF PETITIONS**

In re Application of  
Oren Arad, et al.  
Application No. 12/815,967  
Filed: June 15, 2010  
Attorney Docket No. PA5264US

:  
:  
: **DECISION ON PETITION**  
:  
:

This is a decision on the petition under 37 CFR 1.182, filed February 1, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 2472 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

**ATTACHMENT: Corrected Filing Receipt**



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/815,967	06/15/2010	2472	767	PA5264US	25	4

**CONFIRMATION NO. 2411**

## CORRECTED FILING RECEIPT



OC000000046441335

Date Mailed: 03/09/2011

22830  
CARR & FERRELL LLP  
120 CONSTITUTION DRIVE  
MENLO PARK, CA 94025

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Oren Arad, Palo Alto, CA;  
Sridhar G. Sharma, Milpitas, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 22830

### Domestic Priority data as claimed by applicant

This application is a CON of 11/389,277 03/23/2006 PAT 7,742,458  
which claims benefit of 60/664,990 03/24/2005

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 06/23/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/815,967**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Low Power Digital Media Broadcast Receiver with Time Division

**Preliminary Class**

370

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **PLR-06-23794.03P** Application Number (if known): **12/816,004** Filing date: **June 15, 2010**

First Named Inventor: **Brian R. Gillingham**

Title: **ELECTRIC VEHICLE**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Preliminary Amendment 3. Publication Fee

Signature **/Jessica L. Van Dalen/**

Date **August 11, 2011**

Name (Print/Typed) **Jessica L. Van Dalen**

Registration Number **66,707**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Application No.:</i>	12/816,004	<i>Confirmation No.:</i> 2474
<i>Applicants:</i>	Brian R. Gillingham	
<i>Filed:</i>	June 15, 2010	
<i>Title:</i>	ELECTRIC VEHICLE	
<i>Art Unit:</i>	3655	
<i>Examiner:</i>	David D. Le	
<i>Atty. Docket No.:</i>	PLR-06-23794.03P	
<i>Customer No.:</i>	93175	

**STATEMENT OF SPECIAL STATUS UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

This Statement of Special Status accompanies a Petition to Make Special Under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). More particularly, the present application provides an electric vehicle having an electric motor, a plurality of batteries, and an electronic controller. Applicants note that the pending independent and dependent claims do not recite an internal combustion engine. As such, the claimed electric vehicle does not include an internal combustion engine and, instead, "the groups of batteries 304A, 304B...[are] a source of power to drivetrain 112" (Para. [00089]). The batteries and the electric motor of the electric vehicle recited in the pending claims reduce energy consumption in combustion systems because a combustion engine is not necessary to power the vehicle. Furthermore, the claimed electric vehicle "results in more efficient operation, and reduced motor and controller temperature"

(Para. [000114]). Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. By using batteries to power the drivetrain, the electric vehicle of the pending claims eliminates the need for an internal combustion engine that requires fossil fuels and emits greenhouse gas byproducts through the exhaust system of a vehicle. For these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. Also, by way of a Preliminary Amendment dated July 26, 2011, submitted herewith, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

The application has already published as Publication No. 2010/0317484 A1. Applicants authorize payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen

Registration No. 66,707

Attorney for Applicants

**BAKER & DANIELS LLP**

300 North Meridian Street

Suite 2700

Indianapolis, Indiana 46204

Telephone: 317-237-1054

Facsimile: 317-237-1000

Date Submitted: August 11, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,004	06/15/2010	Brian R. Gillingham	PLR-06-23794.03P	2474
93175	7590	09/16/2011		
Baker & Daniels LLP-Polaris 300 N. Meridian Street Suite 2700 Indianapolis, IN 46204			EXAMINER HOLMES, JUSTIN	
			ART UNIT 3655	PAPER NUMBER
			NOTIFICATION DATE 09/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intear@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 15 2011

Baker & Daniels LLP-Polaris  
300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

In re Application of	:	
BRIAN GILLINGHAM et al.	:	DECISION ON PETITION
Application No. 12/816,004	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-06-23794.03P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed electric vehicle uses an internal combustion engine as a generator to charge the battery system as disclosed in paragraph [000160] of the specification. It is well known that the internal combustion engine uses gasoline/fossil fuels to generate power and produces carbon dioxide which is a greenhouse gas. In using the internal combustion engine to generate power, not only the claimed invention does not reduce greenhouse gas emission, there is no evidence in the disclosure of the application that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources such as petroleum. Therefore, petitioners' assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3655 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Application No.:</i>	12/816,004	<i>Confirmation No.:</i> 2474
<i>Applicants:</i>	Brian R. Gillingham	
<i>Filed:</i>	June 15, 2010	
<i>Title:</i>	ELECTRIC VEHICLE	
<i>Art Unit:</i>	3655	
<i>Examiner:</i>	David D. Le	
<i>Atty. Docket No.:</i>	PLR-06-23794.03P	
<i>Customer No.:</i>	93175	

**REQUEST FOR RECONSIDERATION UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

In response to the Decision on Petition to Make Special Under The Green Technology Pilot Program, dated September 16, 2011 (hereinafter “the Decision”), Applicants respectfully request that the above-identified patent application be reconsidered for special status under the Green Technology Pilot Program. According to the Decision, Applicants’ statement of special status, filed on August 11, 2011, was insufficient to explain how the materiality standard was met, pursuant to Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter “the Notice”). In particular, the Decision stated that “[i]n using the internal combustion engine to generate power...the **claimed** invention does not reduce greenhouse gas emission” (Page 2, ¶ 3) (emphasis added).

The following serves as Applicants’ statement of special status, required by Item 4 of the Notice. Applicants respectfully submit that the present application should be afforded special status under The Green Technology Pilot Program because the claimed electric vehicle materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of

the Notice. More particularly, independent claims 1, 14, and 28 of the present application recite, *inter alia*, an electric vehicle comprising “an electric motor supported by the frame,” however, an internal combustion engine is not recited therein. As such, the claimed electric vehicle includes an electric motor but does not include an internal combustion engine, thereby materially contributing to the reduction of greenhouse gas emissions because it is well known that the carbon footprint of an electric vehicle is less than that of a vehicle operated by an internal combustion engine. For example, unlike conventional internal combustion engine vehicles, the claimed electric vehicle does not output carbon dioxide or other exhaust gases, which decreases the greenhouse gases emitted into the atmosphere when the vehicle is operating.<sup>1</sup>

While Paragraph [000160] of the present application discloses, in the alternative, that one embodiment of the present disclosure may include a generator having an internal combustion engine, the claims do not recite a generator or an internal combustion engine. Applicants note

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<sup>1</sup> Applicants further note that it appears that the USPTO is taking a position contrary to that of the current Obama Administration and the U.S. Department of Energy with respect to advanced technology vehicles. In particular, in President Obama’s 2011 State of the Union address, he called for putting one million electric vehicles – a term that includes plug-in hybrid vehicles, extended range electric vehicles, and all-electric vehicles – on the road by 2015. To support this effort, President Obama has proposed steps to encourage America’s leadership in the field of electric vehicles, such as improving the tax credits available to purchasers of electric vehicles, infrastructure programs aimed at helping cities prepare for increased demand for electric vehicles, and support for research and development of electric vehicles (See One Million Electric Vehicles By 2015 – February 2011 Status Report, United States of America Department of Energy, available at [http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1\\_million\\_electric\\_vehicles\\_rpt.pdf](http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1_million_electric_vehicles_rpt.pdf), last accessed on October 4, 2011).

Additionally, the U.S. Department of Energy – Energy Efficiency and Renewable Energy, Alternative Fuels and Advanced Vehicles Data Center put forth a publication entitled Benefits of Hybrid and Plug-In Electric Vehicles, which states that “[h]ybrid electric vehicles (HEVs), plug-in electric vehicles (PHEVs), and all-electric vehicles (EVs) have many benefits compared with conventional vehicles: better fuel economy, **lower emissions**, lower fuel costs, increased energy security, and more fueling flexibility (See [http://www.afdc.energy.gov/afdc/vehicles/electric\\_benefits.html](http://www.afdc.energy.gov/afdc/vehicles/electric_benefits.html), last accessed on October 4, 2011) (emphasis added). This publication also states that electric vehicles are considered zero emissions vehicles because no exhaust is emitted from a vehicle tailpipe. Rather, “emissions” from an electric vehicle may be produced by electric power plants, however, “[m]ost categories of emissions are **lower** for electricity generated from power plants than from engines running on gasoline or diesel” (emphasis added). Furthermore, power plants outputting “electricity...generated from nonpolluting, renewable sources [produce] no emissions.” Applicants submit that the present application does not limit the ways in which the batteries and, therefore, the electric motor, of the claimed electric vehicle may be powered. Rather, clean and renewable energy sources, such as hydroelectric, geothermal, wind, solar, and other non-carbon polluting energy, may be used to charge the batteries in order to operate the electric motor. Without speculating as to how a hypothetical end-user might apply the invention and charge the batteries, Applicants submit that the end-user is not limited to carbon-polluting energy sources for such purpose.

In view of the foregoing, Applicants do not understand how the USPTO policy in regards to green technology can take a position contrary to the policies of the Obama Administration and the U.S. Department of Energy with respect to the same topic. Therefore, Applicants submit that the claimed electric vehicle of the present application materially contributes to the reduction in greenhouse gas emissions for at least the foregoing reasons that are well known and widely recognized by current congressional policies.



Application No. 12/816,004  
Request for Reconsideration – Green Technology Pilot Program

that MPEP 2111.01 states “a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment” (quoting *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F. 3d 870, 875; 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)). Therefore, because the claims do not recite an internal combustion engine, it is improper to conclude that the claimed electric vehicle includes an internal combustion engine. For at least the foregoing reasons, Applicants submit that the electric vehicle recited in independent claims 1, 14, and 28, and the respective dependent claims, materially contributes to the reduction in greenhouse gas emissions.

Applicants respectfully submit that the present Request satisfies the statement of special status required in Item 4 of the Notice. Furthermore, the accompanying Petition to Make Special Under The Green Technology Pilot Program and Preliminary Amendment, both submitted herewith, satisfy the other eligibility requirements for participation in the Green Technology Pilot Program.

The present application has already published as Publication No. 2010/0317484 A1. On August 11, 2011, Applicants authorized payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP. In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Eric J. Groen/  
Eric J. Groen  
Registration No. 32,230  
Attorney for Applicants  
**BAKER & DANIELS LLP**  
300 North Meridian Street  
Suite 2700  
Indianapolis, Indiana 46204  
Telephone: 317-237-0300  
Facsimile: 317-237-1000

Date Submitted: October 13, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,004	06/15/2010	Brian R. Gillingham	PLR-06-23794.03P	2474
93175	7590	11/09/2011	EXAMINER	
Baker & Daniels LLP-Polaris			HOLMES, JUSTIN	
300 N. Meridian Street			ART UNIT	
Suite 2700			PAPER NUMBER	
Indianapolis, IN 46204			3655	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intead@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com



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Baker & Daniels LLP-Polaris  
300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

Nov. 09, 2011

In re Application of	:	
Gillingham et al.	:	
Application No. 12/816,004	:	DECISION ON PETITION
Filed: 6/15/2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PLR-06-23794.03P	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/13/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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Decision Date : October 12,2011

In re Application of :

Nobuyuki TAGUCHI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12816018

Filed : 15-Jun-2010

Attorney Docket No : 361213US28DIV

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 12,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2852 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12816018	
Filing Date	15-Jun-2010	
First Named Inventor	Nobuyuki TAGUCHI	
Art Unit	2852	
Examiner Name	JOSEPH WONG	
Attorney Docket Number	361213US28DIV	
Title	METHOD AND TONER BOTTLE FOR IMAGE FORMING APPARATUS CAPABLE OF EFFECTIVELY SUPPLYING TONER TO IMAGE FORMING APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James J. Kulbaski/
Name	James J. Kulbaski
Registration Number	34648



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**MAILED**

**JUN 03 2011**

**OFFICE OF PETITIONS**

**Neifeld IP Law, PC  
4813-B Eisenhower Avenue  
Alexandria, Virginia 22304**

In re Application of	:	
Scott CHRISTENSEN	:	DECISION GRANTING PETITION
Application No. 12/816,021	:	UNDER 37 CFR 1.47(b)
Filed: 15 June 2010	:	
Atty. Docket No.: INVE0013-2	:	

This is in response to the petition under 37 CFR 1.47(b), filed 7 January 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to Robert DeWitty at 571-272-8427.

*for Ramesh Krishnamurthy*  
David Bucci  
Petitions Examiner  
Office of Petitions





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RULE 47 LETTER

Scott N. Christensen  
15625 N. Circle  
Omaha, Nebraska 68135

**MAILED**  
**JUN 03 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Scott CHRISTENSEN  
Application No. 12/816,021  
Filed: June 15, 2010

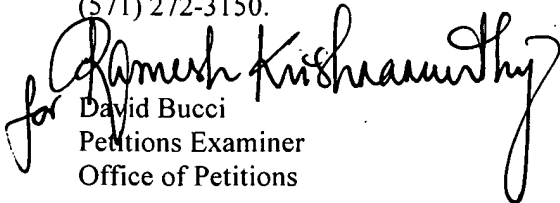
For: VIRTUAL COUPONING METHOD AND APPARATUS FOR USE WITH CONSUMER KIOSK

Dear Mr. Christensen:

You are named as the inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Robert DeWitty at 001-(571) 272-8427. Requests for information regarding your application should be directed to the File Information Unit at 001-(703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at 001-(571) 272-3150.

*for*   
David Bucci  
Petitions Examiner  
Office of Petitions

cc: Neifeld IP Law, PC  
4813-B Eisenhower Avenue  
Alexandria, Virginia 22304



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In re Application of  
Joseph E. Owensby

Application No. 12816022

Filed: June 15, 2010

Attorney Docket No. D-44448

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12816022	Confirmation Number	2505	Filing Date	2010-06-15
Attorney Docket Number (optional)	D-44448	Art Unit	1782	Examiner	
First Named Inventor	Joseph E. Owensby				
Title of Invention	Cooking Apparatus and Method of Cooking				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Charles	R.	Sperry			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert Frame, Reg. No. 54,104/		Date (YYYY-MM-DD)	2011-06-15	
Name	Robert Frame		Registration Number	54104	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **PLR-06-23794.05P** Application Number (if known): **12/816,052** Filing date: **June 15, 2010**

First Named Inventor: **Brian R. Gillingham**

Title: **ELECTRIC VEHICLE**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Preliminary Amendment 3. Publication Fee

Signature **/Jessica L. Van Dalen/**

Date **August 11, 2011**

Name (Print/Typed) **Jessica L. Van Dalen**

Registration Number **66,707**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		<i>Confirmation No.: 2559</i>
<i>Application No.:</i>	12/816,052	
<i>Applicants:</i>	Brian R. Gillingham	
<i>Filed:</i>	June 15, 2010	
<i>Title:</i>	ELECTRIC VEHICLE	
<i>Art Unit:</i>	3655	
<i>Examiner:</i>	David D. Le	
<i>Atty. Docket No.:</i>	PLR-06-23794.05P	
<i>Customer No.:</i>	93175	

**STATEMENT OF SPECIAL STATUS UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

This Statement of Special Status accompanies a Petition to Make Special Under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). More particularly, the present application provides an electric vehicle having an electric motor and a method of selecting a wheel drive mode of the electric vehicle from a plurality of possible wheel drive modes. The present application also claims a method of monitoring the electric vehicle. Applicants note that the pending independent and dependent claims do not recite an internal combustion engine. As such, the claimed electric vehicle does not include an internal combustion engine and, instead, "the groups of batteries 304A, 304B...[are] a source of power to drivetrain 112" (Para. [00089]). The batteries and the electric motor of the electric vehicle recited in the pending claims reduce energy consumption in combustion systems because a combustion engine is not necessary to power the vehicle. Furthermore, the claimed electric vehicle "results in more efficient operation,

Application No. 12/816,052  
Statement dated August 11, 2011

and reduced motor and controller temperature” (Para. [000114]). Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. By using batteries to power the drivetrain, the electric vehicle of the pending claims eliminates the need for an internal combustion engine that requires fossil fuels and emits greenhouse gas byproducts through the exhaust system of a vehicle. For these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. Also, by way of a Preliminary Amendment dated July 26, 2011, submitted herewith, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

The application has already published as Publication No. 2010/0317485 A1. Applicants authorize payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/  
Jessica L. Van Dalen, Reg. No. 66,707  
Attorney for Applicants  
**BAKER & DANIELS LLP**  
300 North Meridian Street  
Suite 2700  
Indianapolis, Indiana 46204  
Telephone: 317-237-1054  
Facsimile: 317-237-1000

Date Submitted: August 11, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,052	06/15/2010	Brian R. Gillingham	PLR-06-23794.05P	2559
93175 7590 09/16/2011 Baker & Daniels LLP-Polaris 300 N. Meridian Street Suite 2700 Indianapolis, IN 46204			EXAMINER HO, HA DINH	
			ART UNIT 3655	PAPER NUMBER
			NOTIFICATION DATE 09/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intear@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com





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**SEP 15 2011**

Baker & Daniels LLP-Polaris  
300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

In re Application of	:	
BRIAN GILLINGHAM et al.	:	DECISION ON PETITION
Application No. 12/816,052	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-06-23794.05P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed electric vehicle uses an internal combustion engine as a generator to charge the battery system as disclosed in paragraph [000160] of the specification. It is well known that the internal combustion engine uses gasoline/fossil fuels to generate power and produces carbon dioxide which is a greenhouse gas. In using the internal combustion engine to generate power, not only the claimed invention does not reduce greenhouse gas emission, there is no evidence in the disclosure of the application that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources such as petroleum. Therefore, petitioners' assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3655 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Application No.:</i>	12/816,052	}	<i>Confirmation No.:</i> 2559
<i>Applicants:</i>	Brian R. Gillingham		
<i>Filed:</i>	June 15, 2010		
<i>Title:</i>	ELECTRIC VEHICLE		
<i>Art Unit:</i>	3655		
<i>Examiner:</i>	David D. Le		
<i>Atty. Docket No.:</i>	PLR-06-23794.05P		
<i>Customer No.:</i>	93175		

**REQUEST FOR RECONSIDERATION UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

In response to the Decision on Petition to Make Special Under The Green Technology Pilot Program, dated September 16, 2011 (hereinafter “the Decision”), Applicants respectfully request that the above-identified patent application be reconsidered for special status under the Green Technology Pilot Program. According to the Decision, Applicants’ statement of special status, filed on August 11, 2011, was insufficient to explain how the materiality standard was met, pursuant to Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter “the Notice”). In particular, the Decision stated that “[i]n using the internal combustion engine to generate power...the **claimed** invention does not reduce greenhouse gas emission” (Page 2, ¶ 3) (emphasis added).

The following serves as Applicants’ statement of special status, required by Item 4 of the Notice. Applicants respectfully submit that the present application should be afforded special status under The Green Technology Pilot Program because the claimed electric vehicle, method of selecting a wheel drive mode of an electric vehicle, and method of monitoring an electric vehicle materially contribute to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, independent claims 1, 9, and 18 recite an electric motor for operating one or more ground engaging members but do not recite an internal combustion engine. As such, the electric vehicle recited in the claims is electrically operated by a motor and does not include an internal

Application No. 12/816,052  
Request for Reconsideration – Green Technology Pilot Program

combustion engine, which materially contributes to the reduction of greenhouse gas emissions because it is well known that the carbon footprint of an electric vehicle is less than that of a vehicle operated by an internal combustion engine. For example, unlike conventional internal combustion engine vehicles, the electric vehicle of the present application does not output carbon dioxide or other exhaust gases, thereby decreasing the greenhouse gases emitted into the atmosphere when the vehicle is operating.<sup>1</sup>

While Paragraph [000160] of the present application discloses, in the alternative, that one embodiment of the present disclosure may include a generator having an internal combustion engine, the claims do not recite a generator or an internal combustion engine. Applicants note that MPEP 2111.01 states “a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment” (quoting *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F. 3d 870, 875; 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)). Therefore,

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<sup>1</sup> Applicants further note that it appears that the USPTO is taking a position contrary to that of the current Obama Administration and the U.S. Department of Energy with respect to advanced technology vehicles. In particular, in President Obama’s 2011 State of the Union address, he called for putting one million electric vehicles – a term that includes plug-in hybrid vehicles, extended range electric vehicles, and all-electric vehicles – on the road by 2015. To support this effort, President Obama has proposed steps to encourage America’s leadership in the field of electric vehicles, such as improving the tax credits available to purchasers of electric vehicles, infrastructure programs aimed at helping cities prepare for increased demand for electric vehicles, and support for research and development of electric vehicles (See *One Million Electric Vehicles By 2015 – February 2011 Status Report*, United States of America Department of Energy, available at [http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1\\_million\\_electric\\_vehicles\\_rpt.pdf](http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1_million_electric_vehicles_rpt.pdf), last accessed on October 4, 2011).

Additionally, the U.S. Department of Energy – Energy Efficiency and Renewable Energy, Alternative Fuels and Advanced Vehicles Data Center put forth a publication entitled Benefits of Hybrid and Plug-In Electric Vehicles, which states that “[h]ybrid electric vehicles (HEVs), plug-in electric vehicles (PHEVs), and all-electric vehicles (EVs) have many benefits compared with conventional vehicles: better fuel economy, **lower emissions**, lower fuel costs, increased energy security, and more fueling flexibility (See [http://www.afdc.energy.gov/afdc/vehicles/electric\\_benefits.html](http://www.afdc.energy.gov/afdc/vehicles/electric_benefits.html), last accessed on October 4, 2011) (emphasis added). This publication also states that electric vehicles are considered zero emissions vehicles because no exhaust is emitted from a vehicle tailpipe. Rather, “emissions” from an electric vehicle may be produced by electric power plants, however, “[m]ost categories of emissions are **lower** for electricity generated from power plants than from engines running on gasoline or diesel” (emphasis added). Furthermore, power plants outputting “electricity...generated from nonpolluting, renewable sources [produce] no emissions.”

Applicants submit that the present application does not limit the ways in which the batteries and, therefore, the electric motor, of the claimed electric vehicle and methods may be powered. Rather, clean and renewable energy sources, such as hydroelectric, geothermal, wind, solar, and other non-carbon polluting energy, may be used to charge the batteries in order to operate the electric motor. Without speculating as to how a hypothetical end-user might apply the invention and charge the batteries, Applicants submit that the end-user is not limited to carbon-polluting energy sources for such purpose.

In view of the foregoing, Applicants do not understand how the USPTO policy in regards to green technology can take a position contrary to the policies of the Obama Administration and the U.S. Department of Energy with respect to the same topic. Therefore, Applicants submit that the claimed electric vehicle and the claimed methods of the present application materially contribute to the reduction in greenhouse gas emissions for at least the foregoing reasons that are well known and widely recognized by current congressional policies.

Application No. 12/816,052

Request for Reconsideration – Green Technology Pilot Program

because the claims do not recite an internal combustion engine, it is improper to conclude that the claimed electric vehicle and methods include an internal combustion engine. For at least the foregoing reasons, Applicants submit that the electric vehicle, the method of selecting a wheel drive mode of an electric vehicle, and the method of monitoring an electric vehicle, recited in the respective independent claims 1, 9, and 18, and the accompanying dependent claims, materially contribute to the reduction in greenhouse gas emissions.

Applicants respectfully submit that the present Request satisfies the statement of special status required in Item 4 of the Notice. Furthermore, the accompanying Petition to Make Special Under The Green Technology Pilot Program and Preliminary Amendment, both submitted herewith, satisfy the other eligibility requirements for participation in the Green Technology Pilot Program.

The present application has already published as Publication No. 2010/0317485 A1. On August 11, 2011, Applicants authorized payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP. In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Eric J. Groen/  
Eric J. Groen  
Registration No. 32,230  
Attorney for Applicants  
**BAKER & DANIELS LLP**  
300 North Meridian Street  
Suite 2700  
Indianapolis, Indiana 46204  
Telephone: 317-237-0300  
Facsimile: 317-237-1000

Date Submitted: October 13, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,052	06/15/2010	Brian R. Gillingham	PLR-06-23794.05P	2559
93175	7590	11/09/2011	EXAMINER	
Baker & Daniels LLP-Polaris			HO, HA DINH	
300 N. Meridian Street			ART UNIT	
Suite 2700			PAPER NUMBER	
Indianapolis, IN 46204			3655	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intear@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com



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300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

Nov. 09, 2011

In re Application of	:	
Gillingham et al.	:	DECISION ON PETITION
Application No. 12/816,052	:	TO MAKE SPECIAL UNDER
Filed: 6/15/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-06-23794.05P	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/13/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





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SUTHERLAND ASBILL & BRENNAN LLP  
999 PEACHTREE STREET, N.W.  
ATLANTA, GA 30309

**MAILED**  
JAN 03 2011  
OFFICE OF PETITIONS

In re Application of :  
Brooke L. Small et al :  
Application No. 12/816,077 : **DECISION ON PETITION**  
Filed: June 15, 2010 :  
Attorney Docket No. 29604-0009 :

This is a decision on the petition under 37 CFR 1.182, filed September 2, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 1771 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/816,077	06/15/2010	1771	3760	29604-0009	50	5

CONFIRMATION NO. 2606

CORRECTED FILING RECEIPT



OC000000045092204

Date Mailed: 12/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Brooke L. Small, Kingwood, TX;  
Kenneth D. Hope, Kingwood, TX;  
Qing Yang, Bartlesville, OK;  
Albert P. Masino, Tulsa, OK;  
Max P. McDaniel, Bartlesville, OK;  
Richard M. Buck, Bartlesville, OK;  
William B. Beaulieu, Tulsa, OK;  
Eduardo J. Baralt, Kingwood, TX;  
Eric J. Netemeyer, Bartlesville, OK;  
Bruce Kreischer, Kingwood, TX;

**Assignment For Published Patent Application**

CHEVRON PHILLIPS CHEMICAL COMPANY LP, The Woodlands, TX

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/187,334 06/16/2009

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 06/23/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/816,077**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request: No**  
**Title**

OLIGOMERIZATION OF ALPHA OLEFINS USING METALLOCENE-SSA CATALYST SYSTEMS  
AND USE OF THE RESULTANT POLYALPHAOLEFINS TO PREPARE LUBRICANT BLENDS

**Preliminary Class**

585

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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**NOT GRANTED**

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Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **PLR-06-23794.04P** Application Number (if known): **12/816,095** Filing date: **June 15, 2010**

First Named Inventor: **Russ G. Olsen**

Title: **ELECTRIC VEHICLE**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: 1. Statement of Special Status 2. Preliminary Amendment 3. Publication Fee

Signature **/Jessica L. Van Dalen/**

Date **August 11, 2011**

Name (Print/Typed) **Jessica L. Van Dalen**

Registration Number **66,707**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		}	<i>Confirmation No.: 2633</i>
<i>Application No.:</i>	12/816,095		
<i>Applicants:</i>	Russ G. Olsen		
<i>Filed:</i>	June 15, 2010		
<i>Title:</i>	ELECTRIC VEHICLE		
<i>Art Unit:</i>	3618		
<i>Examiner:</i>	James A. Shriver II		
<i>Atty. Docket No.:</i>	PLR-06-23794,04P		
<i>Customer No.:</i>	93175	}	

**STATEMENT OF SPECIAL STATUS UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

This Statement of Special Status accompanies a Petition to Make Special Under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). More particularly, the present application provides an electric vehicle having an electric motor, a plurality of batteries, and an electronic controller. The present application also claims a method of powering an accessory coupled to an electric vehicle. Applicants note that the pending independent and dependent claims do not recite an internal combustion engine. As such, the claimed electric vehicle does not include an internal combustion engine and, instead, "the groups of batteries 304A, 304B...[are] a source of power to drivetrain 112" (Para. [00089]). The batteries and the electric motor of the electric vehicle recited in the pending claims reduce energy consumption in combustion systems because a combustion engine is not necessary to power the vehicle. Furthermore, the claimed electric vehicle "results in more efficient operation, and reduced motor

and controller temperature” (Para. [000114]). Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. By using batteries to power the drivetrain, the electric vehicle of the pending claims eliminates the need for an internal combustion engine that requires fossil fuels and emits greenhouse gas byproducts through the exhaust system of a vehicle. For these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. Also, by way of a Preliminary Amendment dated July 26, 2011, submitted herewith, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

The application has already published as Publication No. 2010/0314183 A1. Applicants authorize payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen

Registration No. 66,707

Attorney for Applicants

**BAKER & DANIELS LLP**

300 North Meridian Street

Suite 2700

Indianapolis, Indiana 46204

Telephone: 317-237-1054

Facsimile: 317-237-1000

Date Submitted: August 11, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,095	06/15/2010	Russ G. Olsen	PLR-06-23794.04P	2633
93175	7590	09/16/2011		
Baker & Daniels LLP-Polaris 300 N. Meridian Street Suite 2700 Indianapolis, IN 46204			EXAMINER SHRIVER II, JAMES A	
			ART UNIT 3618	PAPER NUMBER
			NOTIFICATION DATE 09/16/2011	DELIVERY MODE ELECTRONIC

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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intead@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com





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SEP 15 2011

Baker & Daniels LLP-Polaris  
300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

In re Application of	:	
RUSS OLSEN et al.	:	DECISION ON PETITION
Application No. 12/816,095	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-06-23794.04P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed electric vehicle uses an internal combustion engine as a generator to charge the battery system as disclosed in paragraph [000160] of the specification. It is well known that the internal combustion engine uses gasoline/fossil fuels to generate power and produces carbon dioxide which is a greenhouse gas. In using the internal combustion engine to generate power to operate the electric motor, not only the claimed invention does not reduce greenhouse gas emission, there is no evidence in the disclosure of the application that the claimed vehicle contributes to the more efficient utilization and conservation of energy resources such as petroleum/fossil fuels. Therefore, petitioners' assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources is considered speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action in its regular turn.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Application No.:</i>	12/816,095	<i>Confirmation No.:</i> 2633
<i>Applicants:</i>	Russ G. Olsen	
<i>Filed:</i>	June 15, 2010	
<i>Title:</i>	ELECTRIC VEHICLE	
<i>Art Unit:</i>	3618	
<i>Examiner:</i>	James A. Shriver II	
<i>Atty. Docket No.:</i>	PLR-06-23794.04P	
<i>Customer No.:</i>	93175	

**REQUEST FOR RECONSIDERATION UNDER THE  
GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

In response to the Decision on Petition to Make Special Under The Green Technology Pilot Program, dated September 16, 2011 (hereinafter “the Decision”), Applicants respectfully request that the above-identified patent application be reconsidered for special status under the Green Technology Pilot Program. According to the Decision, Applicants’ statement of special status, filed on August 11, 2011, was insufficient to explain how the materiality standard was met, pursuant to Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter “the Notice”). In particular, the Decision stated that “[i]n using the internal combustion engine to generate power...the **claimed** invention does not reduce greenhouse gas emission” (Page 2, ¶ 3) (emphasis added).

The following serves as Applicants’ statement of special status, required by Item 4 of the Notice. Applicants respectfully submit that the present application should be afforded special status under The Green Technology Pilot Program because the claimed electric vehicle and method of powering an accessory of the electric vehicle materially contribute to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, independent claims 9 and 19 of the present application recite, *inter alia*, an electric vehicle comprising “an electric motor supported by the frame...; a plurality of batteries supported by the frame; [and] an accessory battery separate from the plurality of batteries.” Similarly, independent claim 1 recites “[a] method of

Application No. 12/816,095  
Request for Reconsideration – Green Technology Pilot Program

powering an accessory coupled to an electric vehicle.” However, none of the claims of the present application, including independent claims 1, 9, and 19, recite an internal combustion engine. Rather, the claims recite that a motor powers the electric vehicle and an accessory thereof. As such, the claimed electric vehicle includes an electric motor but does not include an internal combustion engine, thereby materially contributing to the reduction of greenhouse gas emissions because it is well known that the carbon footprint of an electric vehicle is less than that of a vehicle operated by an internal combustion engine. For example, unlike conventional internal combustion engine vehicles, the claimed electric vehicle and method do not output carbon dioxide or other exhaust gases, which decreases the greenhouse gases emitted into the atmosphere when the vehicle is operating.<sup>1</sup>

While Paragraph [000160] of the present application discloses, in the alternative, that one embodiment of the present disclosure may include a generator having an internal combustion engine, the claims do not recite a generator or an internal combustion engine. Applicants note that MPEP

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<sup>1</sup> Applicants further note that it appears that the USPTO is taking a position contrary to that of the current Obama Administration and the U.S. Department of Energy with respect to advanced technology vehicles. In particular, in President Obama’s 2011 State of the Union address, he called for putting one million electric vehicles – a term that includes plug-in hybrid vehicles, extended range electric vehicles, and all-electric vehicles – on the road by 2015. To support this effort, President Obama has proposed steps to encourage America’s leadership in the field of electric vehicles, such as improving the tax credits available to purchasers of electric vehicles, infrastructure programs aimed at helping cities prepare for increased demand for electric vehicles, and support for research and development of electric vehicles (See One Million Electric Vehicles By 2015 – February 2011 Status Report, United States of America Department of Energy, available at [http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1\\_million\\_electric\\_vehicles\\_rpt.pdf](http://www1.eere.energy.gov/vehiclesandfuels/pdfs/1_million_electric_vehicles_rpt.pdf), last accessed on October 4, 2011).

Additionally, the U.S. Department of Energy – Energy Efficiency and Renewable Energy, Alternative Fuels and Advanced Vehicles Data Center put forth a publication entitled Benefits of Hybrid and Plug-In Electric Vehicles, which states that “[h]ybrid electric vehicles (HEVs), plug-in electric vehicles (PHEVs), and all-electric vehicles (EVs) have many benefits compared with conventional vehicles: better fuel economy, **lower emissions**, lower fuel costs, increased energy security, and more fueling flexibility (See [http://www.afdc.energy.gov/afdc/vehicles/electric\\_benefits.html](http://www.afdc.energy.gov/afdc/vehicles/electric_benefits.html), last accessed on October 4, 2011) (emphasis added). This publication also states that electric vehicles are considered zero emissions vehicles because no exhaust is emitted from a vehicle tailpipe. Rather, “emissions” from an electric vehicle may be produced by electric power plants, however, “[m]ost categories of emissions are **lower** for electricity generated from power plants than from engines running on gasoline or diesel” (emphasis added). Furthermore, power plants outputting “electricity...generated from nonpolluting, renewable sources [produce] no emissions.”

Applicants submit that the present application does not limit the ways in which the batteries and, therefore, the electric motor, of the electric motor recited in the claims may be powered. Rather, clean and renewable energy sources, such as hydroelectric, geothermal, wind, solar, and other non-carbon polluting energy, may be used to charge the batteries in order to operate the electric motor. Without speculating as to how a hypothetical end-user might apply the invention and charge the batteries, Applicants submit that the end-user is not limited to carbon-polluting energy sources for such purpose.

In view of the foregoing, Applicants do not understand how the USPTO policy in regards to green technology can take a position contrary to the policies of the Obama Administration and the U.S. Department of Energy with respect to the same topic. Therefore, Applicants submit that the claimed electric vehicle and methods of the present application materially contribute to the reduction in greenhouse gas emissions for at least the foregoing reasons that are well known and widely recognized by current congressional policies.

Application No. 12/816,095

Request for Reconsideration – Green Technology Pilot Program

2111.01 states ““a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment”” (quoting *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F. 3d 870, 875; 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)). Therefore, because the claims do not recite an internal combustion engine, it is improper to conclude that the claimed electric vehicle and method of powering an accessory thereof require an internal combustion engine. For at least the foregoing reasons, Applicants submit that the claimed electric vehicle and method materially contribute to the reduction in greenhouse gas emissions.

Applicants respectfully submit that the present Request satisfies the statement of special status required in Item 4 of the Notice. Furthermore, the accompanying Petition to Make Special Under The Green Technology Pilot Program submitted herewith, and the Preliminary Amendment previously filed on August 11, 2011, satisfy the other eligibility requirements for participation in the Green Technology Pilot Program.

The present application has already published as Publication No. 2010/0314183 A1. On August 11, 2011, Applicants authorized payment of the publication fee of \$300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP. In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Eric J. Groen/  
Eric J. Groen  
Registration No. 32,230  
Attorney for Applicants  
**BAKER & DANIELS LLP**  
300 North Meridian Street  
Suite 2700  
Indianapolis, Indiana 46204  
Telephone: 317-237-0300  
Facsimile: 317-237-1000

Date Submitted: October 13, 2011



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,095	06/15/2010	Russ G. Olsen	PLR-06-23794.04P	2633
93175	7590	11/09/2011	EXAMINER	
Baker & Daniels LLP-Polaris			SHRIVER II, JAMES A	
300 N. Meridian Street				
Suite 2700				
Indianapolis, IN 46204				
			ART UNIT	PAPER NUMBER
			3618	
			NOTIFICATION DATE	DELIVERY MODE
			11/09/2011	ELECTRONIC

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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intear@bakerd.com  
lani.dick@polarisind.com  
cynthia.payson@bakerd.com



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300 N. Meridian Street  
Suite 2700  
Indianapolis IN 46204

*Nov. 09, 2011*

In re Application of	:	
Olsen et al.	:	
Application No. 12/816,095	:	DECISION ON PETITION
Filed: 6/15/2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PLR-06-23794.04P	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 10/13/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,148	06/15/2010	Yat Sun Or	4014.1190 US1	2731
38473	7590	10/24/2011		
ELMORE PATENT LAW GROUP, PC			EXAMINER	
484 Groton Road			LOEWE, SUN JAE Y	
Westford, MA 01886			ART UNIT	PAPER NUMBER
			1622	
			NOTIFICATION DATE	DELIVERY MODE
			10/24/2011	ELECTRONIC

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docketing@elmorepatents.com



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Mahreen Chaudhry Hoda  
ELMORE PATENT LAW GROUP, PC  
484 Groton Road  
Westford MA 01886

In re Application of	:
Yat Sun Or et al	:Decision on Petition
Serial No.: 12/816,148	:
Filed : 15 June 2010	:
Attorney Docket No.: 4014.1190 US 1	:

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on 9 August 2011 requesting reconsideration of the final Office action mailed 16 June 2011.

## BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to consideration under restriction practice described in MPEP Chapter 800.

On 6 January 2011, the examiner set forth a restriction requirement which divided claims 1-27 into six groups. A further election of species was required.

On 4 February 2011, applicants elected, with traverse, Group I, and the compound 83 of Table 1.

On 8 February 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 7, 8, 12-22, 26 and 27 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-6, 9-11, and 23-25 were examined on the merits. Claims 1-6, 9-11, and 23-25 were objected to for containing embodiments outside the scope of the elected group. Claims 1-5, 11 and 23-25 were rejected under 35 U.S.C. 102(e) as being anticipated by US WO 2010138791.

On 16 June 2011, the examiner mailed to applicants a final Office action in which Claims 12-22, 26 and 27 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1-11, and 23-25 were examined on the merits. The objection to the claims for containing embodiments outside the scope of the elected group was maintained. The Office action contained a rejection of claim 1 for reciting new matter and a new rejection of claims 1-11 and 23-25 under 35 U.S.C. 102(e) as being anticipated by a new reference, US 110008288.

On 9 August 2011, applicants filed this petition.

## DISCUSSION

The file history and petition have been considered carefully.

At the onset, it is noted that restriction requirement improperly created groupings out of alternatives recited in a Markush claim and created a “catch-all” group II which, if elected, would then be subject to further restriction. See for example the way product claims are divided into Group I and II.

- I. Claims 1-11 and 23-25, drawn to products wherein L=phenyl, G=benzimidazole and Q=as in claim 3, classified in various subclasses of classes 514, 544, 546 or 548. Further election of a single species is required.
- II. Claims 1-11 and 23-25, drawn to products not covered by Group I, classified in various subclasses of classes 514, 544, 546 or 548. Further election of a single species is required. Further restriction will apply if this group is elected.

This is not appropriate. The restriction similarly divided process of making claim 27 into Groups III and IV. The process of use claims 12-22 and 26 were also divided into Groups V and VI. This is counter to MPEP 803.02 and the 9 February 2011 Federal Register Notice entitled “Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications.” Page 7166 sets forth guidelines for the treatment of Markush-type claims:

“Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well

as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim).”

In view of these guidelines and the guidance in MPEP 803.02, the restriction requirement between the embodiments of the Markush claims (Product Groups I-II) is found to be unwarranted. Similar remedy is provided for the method of making and method of using inventions.

Next, it is noted that the examiner has objected to Markush-type claims for reciting non-elected subject matter. This is counter to MPEP 803.02 and 809.

Turning now to the final Office action, it is noticed that Claims 7 and 8, which are directed to the elected invention, and depend upon claims examined in the first Office action, were not included for examination in the first Office action on the merits. These claims are in original format, they have not been amended.

7. (Withdrawn) The compound of claim 4, wherein L is optionally substituted bicyclic aryl or heteroaryl; or a pharmaceutically acceptable salt thereof.

8. (Withdrawn) The compound of claim 5, wherein said A or B is optionally substituted C<sub>2</sub>-C<sub>4</sub> alkenyl or optionally substituted C<sub>2</sub>-C<sub>4</sub> alkynyl; or a pharmaceutically acceptable salt thereof.

The initial examination and final rejection of Claims 7 and is not in keeping with MPEP 706.07(a). A final rejection is improper where there is another new ground of rejection introduced by the examiner which was not necessitated by amendment to the claims. For this reason, finality is premature.

Turning now to the merits of the rejections, the petition requests reconsideration of the final Office action. The newly made prior art rejection merely states “the reference discloses multiple compounds that are within the scope of the instant claims.” In this rejection, the limitations of the claims are not mapped to the teachings in the prior art, no compounds either in the claims or in the prior art reference are identified. This degree of brevity is counter to MPEP 2106, which sets forth the principals of compact prosecution.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Concerning the new matter rejection and the denial of priority based upon the new matter rejection, applicants are correct that support may be found either in the specification as filed or in the original claims. Here, the support for the claim amendment is found in the originally filed claims.

## **DECISION**

For these reasons, the petition filed under 37 CFR 1.181 on 9 August 2011 is **GRANTED** as follows.

The intra-claim restriction requirement made between product of Groups I-II on 6 January 2011 has been withdrawn.

Groups III and IV, directed to the method of making the product, are combined into a second group.

Groups V and VI, directed to the method of using the product, are combined into a third group.

The objection to the claims for reciting embodiments outside the scope of the elected group is withdrawn.

The final Office action mailed 16 June 2011 is withdrawn as incomplete. Applicants are not under obligation to reply to the Office action mailed 16 June 2011. Prosecution is re-opened.

**The application will be forwarded to the examiner's amended docket to prepare an Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011. Upon allowability of the product claims, the process claims should be considered for rejoinder according to MPEP 821.04(b). Because this application is up for its 4<sup>th</sup> action on the merits, supervisory review will be provided under MPEP 707.02.**

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.



Remy Yucel  
Director, Technology Center 1600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83150284

Application Number  
(if known): 12/816,151

Filing date: June 15, 2010

First Named  
Inventor: Yi Zhang

Title: FUEL DELIVERY MODULE REINFORCED FUEL TANK

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature

Name  
(Print/Typed) John D. Russell

Date March 1, 2011

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒

\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Yi Zhang et al.  
Application No. : 12/816,151  
Filed : June 15, 2010  
Title : FUEL DELIVERY MODULE REINFORCED FUEL TANK  
Group Art Unit : 3747  
Confirmation No. : 2734  
Docket No. : 83150284

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 1, 2011  
Date

Caitlin Fackrell  
Caitlin Fackrell

**STATEMENTS OF SPECIAL STATUS**

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention increases reinforcement of a fuel tank without increasing the weight of the fuel tank. As explained in the Background and Summary of the subject application, deflections may occur in fuel tanks due to pressure and vacuum changes, *e.g.*, due to differences between atmospheric pressure around the fuel tank body and the pressure of a gaseous mixture of air and fuel vapor in the fuel tank body. To decrease deflections, fuel tanks may be reinforced by increasing thickness of fuel tank walls and/or including structural elements within the fuel tank body in addition to various non-supportive components such as sensors and fuel delivery components within the fuel tank body. However, increasing fuel tank wall thickness may lead to greater fuel tank weight, which may lead to lower fuel efficiency in a vehicle. The claimed invention addresses this issue by reinforcing a fuel tank without increasing the wall thickness. For example, claim 1 recites:

A system comprising:  
a fuel tank including an upper wall and a lower wall;  
a support member, the support member coupled to the upper and lower walls and including a plurality of fuel delivery system components.

That is, a system comprises a fuel tank including an upper wall and a lower wall and a support member. The support member is coupled to the upper and lower walls and includes a plurality of fuel delivery system components.

In this way, a fuel tank may be reinforced without the addition of structural elements in the body of the fuel tank. Additionally, fuel tank wall thickness may be reduced leading to increased fuel efficiency. As such, by using the invention of claim 1, the weight of the vehicle can be reduced and thus fuel economy can be increased.

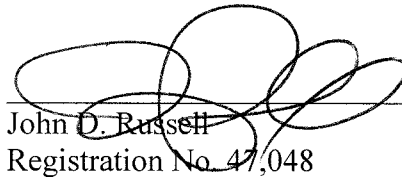
Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO<sub>2</sub> is a greenhouse gas produced by the combustion of fossil fuels. As explained above and set forth in claim 1, the claimed invention increases fuel economy, thus lowering combustion of fossil fuels and CO<sub>2</sub> emissions.



Please charge any cost incurred in this filing, along with any other costs, to  
Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

A handwritten signature in black ink, appearing to read "John D. Russell", is written over a horizontal line.

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,151	06/15/2010	Yi Zhang	83150284	2734
36865 7590 03/07/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			03/07/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
ZHANG, YI et al	:	DECISION ON PETITION
Application No. 12/816,151	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83150284	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 1, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation and greenhouse gas reduction. This is not convincing. It is not clear how the claimed support member coupled to the upper and lower walls of the fuel tank and fuel delivery system components will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. There is no relationship between the statement and the claimed subject matter.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700



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BRAD M. BEHAR & ASSOCIATES, PLLC  
94 SECOND STREET  
MINEOLA, NY 11501

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Application of  
Damon L. Franklin  
Application No. 12/816,179  
Filed: June 15, 2010  
Attorney Docket No. 09011/0014

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brad M. Behar on behalf of all attorneys of record who are associated with customer No. 93653. All attorneys/agents associated with the Customer Number 93653 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: DAMON L. FRANKLIN  
89-17 221 STREET  
QUEENS VILLAGE, NY 11427



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/816,179	06/15/2010	Damon L. Franklin	09011/0014

**CONFIRMATION NO. 2792**

## POWER OF ATTORNEY NOTICE



OC000000047992191

Date Mailed: 06/01/2011

93653  
Brad M. Behar & Associates, PLLC  
94 Second Street  
Mineola, NY 11501

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/816,201	Filing date:	06/15/2010
First Named Inventor:	BATES, Joseph		

Title of the  
Invention: Processing with Compact Arithmetic Processing Element

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/038769

**The international filing date of the corresponding PCT application(s) is/are:**

06/16/2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/816,201
First Named Inventor:	BATES, Joseph

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on 03/14/2011

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on 03/14/2011

[illegible]

Signature <i>/Robert Plotkin, Reg#43861/</i>	Date 06/11/2011
Name (Print/Typed) <b>Robert Plotkin, Esq.</b>	Registration Number <b>43861</b>



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PLOTKIN ROBERT

ROBERT PLOTKIN, P.C 15 NEW ENGLAND EXECUTIVE  
PARK BURLINGTON MA 01803 USA**PCT****NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing  
(day/month/year) 28 JANUARY 2011 (28.01.2011)

Applicant's or agent's file reference

A0006-1001PC

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.

**PCT/US2010/038769**International filing date  
(day/month/year)**16 JUNE 2010 (16.06.2010)**

Applicant

**SINGULAR COMPUTING, LLC et al**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70**For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



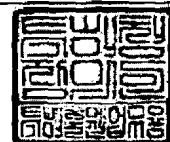
Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8754



**\* Attention**

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **QTFTJYLB**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference A0006-1001PC	<b>FOR FURTHER ACTION</b> <span style="float: right;">see Form PCT/ISA/220 as well as, where applicable, item 5 below.</span>	
International application No. <b>PCT/US2010/038769</b>	International filing date ( <i>day/month/year</i> ) <b>16 JUNE 2010 (16.06.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 19 JUNE 2009 (19.06.2009)
Applicant  <b>SINGULAR COMPUTING, LLC et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 4
- ☒ as suggested by the applicant.
- ☐ as selected by this Authority, because the applicant failed to suggest a figure.
- ☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/038769****A. CLASSIFICATION OF SUBJECT MATTER****G06F 9/38(2006.01)i, G06F 9/46(2006.01)i, G06F 13/14(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

G06F 9/38; G06F 9/30; G06F 9/302; G06F 9/28; G06F 15/167

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: floating point execution unit, integer execution unit, multiprocessor

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5887160 A1 (LAURITZEN, M. et al.) 23 March 1999 See abstract, column 1 line 65 - column 2 line 64, column 3 line 15 - line 48 , and figure 1.	1,2
A	US 5867683 A1 (WITT, D.B. et al.) 02 February 1999 See abstract and column 9 line 25 - line 35	1,2
A	US 5809320 A1 (JAIN, A. et al.) 15 September 1998 See abstract and claim 4.	1,2
A	US 5293500 A1 (ISHIDA, H. et al.) 08 March 1994 See abstract, column 1 line 65 - column 2 line 23, column 7 line 23 - column 8 line 17, and figure 9.	1,2
A	US 5226166 A1 (ISHIDA, H. et al.) 06 July 1993 See abstract, column 1 line 55 - column 2 line 14, column 2, line 36 - column 3 line 32, and figure 1.	1,2

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

27 JANUARY 2011 (27.01.2011)

Date of mailing of the international search report

**28 JANUARY 2011 (28.01.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

Hwang, Seung Hee

Telephone No.



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/038769**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5887160 A1	23.03.1999	JP 03-607476 B2 JP 10-228378 A KR 10-0507415 B1	05.01.2005 25.08.1998 06.12.2005
US 5867683 A1	02.02.1999	EP 0651321 A1 EP 0651321 B1 EP 0679992 A1 EP 0679992 B1 JP 03-618821 B2 JP 03-670039 B2 JP 07-182160 A JP 07-295813 A US 05867683A A US 5574928 A1 US 5651125 A1 US 5655097 A1 US 5655098 A1 US 5664136 A1 US 5751981 A1 US 5867682 A1 US 5903772 A1	03.05.1995 14.11.2001 02.11.1995 23.01.2002 09.02.2005 13.07.2005 21.07.1995 10.11.1995 02.02.1999 12.11.1996 22.07.1997 05.08.1997 05.08.1997 02.09.1997 12.05.1998 02.02.1999 11.05.1999
US 5809320 A1	15.09.1998	EP 0463966 A2 EP 0463966 A3 EP 0463966 B1 JP 02-939003 B2 JP 06-075747 A JP 2939003 B2	02.01.1992 30.06.1993 25.11.1998 11.06.1999 18.03.1994 25.08.1999
US 5293500 A1	08.03.1994	JP 02-301829 A JP 02-301830 A JP 03-001232 A JP 07-069825 B2 JP 2058240 C JP 2211534 A US 5226166 A1	13.12.1990 13.12.1990 07.01.1991 31.07.1995 10.06.1996 22.08.1990 06.07.1993
US 5226166 A1	06.07.1993	JP 02-301829 A JP 02-301830 A JP 03-001232 A JP 07-069825 B2 JP 2058240 C JP 2211534 A US 05226166A A US 5293500 A1	13.12.1990 13.12.1990 07.01.1991 31.07.1995 10.06.1996 22.08.1990 06.07.1993 08.03.1994

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PLOTKIN ROBERT

ROBERT PLOTKIN, P.C 15 NEW ENGLAND EXECUTIVE  
PARK BURLINGTON MA 01803 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **28 JANUARY 2011 (28.01.2011)**

Applicant's or agent's file reference

A0006-1001PC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

**PCT/US2010/038769**

International filing date (day/month/year)

**16 JUNE 2010 (16.06.2010)**

Priority date(day/month/year)

19 JUNE 2009 (19.06.2009)

International Patent Classification (IPC) or both national classification and IPC

**G06F 9/38(2006.01)i, G06F 9/46(2006.01)i, G06F 13/14(2006.01)i**

Applicant

**SINGULAR COMPUTING, LLC et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

27 JANUARY 2011 (27.01.2011)

Authorized officer

Hwang, Seung Hee

Telephone No.



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/038769**

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/038769**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-2	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-2	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-2	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 5887160 A1 (LAURITZEN, M. et al.) 23 March 1999  
D2: US 5867683 A1 (WITT, D.B. et al.) 02 February 1999  
D3: US 5809320 A1 (JAIN, A. et al.) 15 September 1998  
D4: US 5293500 A1 (ISHIDA, H. et al.) 08 March 1994  
D5: US 5226166 A1 (ISHIDA, H. et al.) 06 July 1993

**1. Novelty and Inventive Step**

Claim 1 is related to a device comprising a plurality of low precision high dynamic range executions units and at least one high-precision execution unit. D1 is the closest prior art of the subject matter of claim 1. D1 discloses the device comprising a integer execution unit for integer operations and a floating point execution unit for floating point operations. The subject matter of claim 1 differs from D1 in the detail features of both execution units, and in the component ratio of the execution units. Also, this feature of claim 1 is not shown in any other prior art documents cited in the ISR. Hence, claim 1 is novel under PCT Article 33(2).

The subject matter of claim 1 is not obvious to a person skilled in the art by th documents, taken alone or in combination. Therefore, claim 1 is considered to involve an inventive step under PCT Article 33(3).

Claim 2 is related to a device comprising a plurality of low precision high dynamic range execution units. D1 is the closest prior art of the subject matter of claim 2. The subject matter of claim 2 differs from D1 in the detail features of the execution units. Also, this feature of claim 2 is not shown in any other prior art documents cited in the ISR. Hence, claim 2 is novel under PCT Article 33(2).

The subject matter of claim 2 is not obvious to a person skilled in the art by th documents, taken alone or in combination. Therefore, claim 2 is considered to involve an inventive step under PCT Article 33(3).

**2. Industrial Applicability**

Claims 1 and 2 are industrially applicable under PCT Article 33(4).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/038769**

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

According to the requirement of PCT Rule 11.13(c), the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. However Figures 7-11 are not met the requirement.

### **Claims**

1. A device:

comprising a plurality of low precision high dynamic range (LPHDR) execution units adapted to execute, in parallel, a first plurality of operations on a first plurality of input signals representing a first plurality of numerical values to produce a first plurality of output signals representing a second plurality of numerical values,

wherein, for each of the plurality of LPHDR execution units, for at least one operation that the LPHDR execution unit is adapted to execute, the dynamic range of the possible valid inputs to the at least one operation is at least as wide as from  $1/65,000$  through  $65,000$  and for at least 5% of the possible valid inputs to that operation, for at least one output signal produced by that operation, the statistical mean, over repeated execution on the same inputs from the at least 5% of the possible valid inputs to that operation, of the numerical values represented by the at least one output signal of the LPHDR unit executing that operation on those inputs differs by at least .05% from the result of an exact mathematical calculation of the operation on the numerical values of those same inputs; and

consisting of at least one high-precision execution unit adapted to execute at least one second operation on at least one second input signal representing at least one third numerical value to produce at least one second output signal representing at least one fourth numerical value,

wherein the at least one high-precision execution unit is adapted to execute at least one arithmetic operation on floating point numbers that are 32 or more bits wide;

wherein the number of LPHDR execution units in the device exceeds, by at least 20 more than three times, the number of the at least one high-precision execution unit.

2. A device:

comprising a first low precision high dynamic range (LPHDR) execution unit adapted to execute a first operation on a first input signal representing a first numerical value to produce a first output signal representing a second numerical value,

wherein the dynamic range of the possible valid inputs to the first operation is at least as wide as from  $1/65,000$  through  $65,000$  and for at least 5% of the possible valid inputs to the first operation, the statistical mean, over repeated execution of the first operation on each specific input from the at least 5% of the possible valid inputs to the first operation, of the numerical values represented by the first output signal of the LPHDR unit executing the first operation on that input differs by at least .05% from the result of an exact mathematical calculation of the first operation on the numerical values of that same input; and

not including any high-precision execution units adapted to execute at least one arithmetic operation on floating point numbers that are 32 or more bits wide.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,201	06/15/2010	Joseph Bates	A0006-1001	2829
24208	7590	07/08/2011	EXAMINER	
ROBERT PLOTKIN, PC 15 New England Executive Office Park Burlington, MA 01803			ART UNIT	PAPER NUMBER
			2193	
			NOTIFICATION DATE	DELIVERY MODE
			07/08/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RPLOTKIN@RPLOTKIN.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ROBERT PLOTKIN, PC  
15 New England Executive Office Park  
Burlington MA 01803

In re Application of: J. BATES  
Application No. 12/816,201  
Atty Docket #: **A0006-1001**  
Filed: June 15, 2010  
For: **PROCESSING WITH COMPACT  
ARITHMETIC PROCESSING ELEMENT**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY PROGRAM  
AND PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed June 11, 2011 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT applicationOr
  - (b) a national application which forms the basis for the priority claim in the corresponding PCT applicationOr
  - (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT applicationOr
  - (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.Or
  - (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT

application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ROBERT D. ATKINS**  
**605 W. KNOX ROAD, SUITE 104**  
**TEMPE AZ 85284**

**MAILED**

**OCT 20 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Charles Wurster :  
Application No. 12/816,276 :  
Filed: June 15, 2010 :  
Attorney Docket No. 2657.0005 CON :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 1, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Robert D. Atkins does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Robert D. Atkins not having power of attorney. See MPEP §§ 601.03 and 405. Accordingly, all future communications from the Office will continue to be directed to the address listed above until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski  
Petitions Examiner  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20120405

**DATE** : April 05, 2012

**TO SPE OF** : ART UNIT 1645

**SUBJECT** : Request for Certificate of Correction on Patent No.: 8044189

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

**Comments:**

/GARY NICKOL/  
Supervisory Patent Examiner.Art Unit 1645



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ETHAN VICKERY  
804 TURNBERRY  
MANSFIELD TX 76063-3819

**MAILED**

**APR 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Vickery :  
Application No. 12/816,300 :  
Filed: June 15, 2010 : **ON PETITION**  
Attorney Docket No. VICE.P005USC1 :  
For: TAMPER RESISTANT WEIGHTED :  
RODENT AND INSECT BAIT STATION :

This is a decision on the petition under 37 CFR 1.181, filed March 24, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the June 28, 2010 Notice to File Corrected Application Papers, which set an extendable two month period for reply. No reply being received, the application became abandoned on August 29, 2010. A Notice of Abandonment was mailed on March 9, 2011.

Petitioner asserts that the June 28, 2010 Notice was not received in practitioner's office. Petitioner argues that the application is not abandoned because the Office failed to mail the correspondence at issue to Customer Number 32425, which was the customer number supplied when the application was filed.

A review of the record indicates no irregularity in the mailing of the June 28, 2010 Notice, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record.

While petitioner asserts Customer Number 32425 was listed as the correspondence address of record, a review of the application papers filed on June 15, 2010 does not support his position.

37 CFR 1.33(a) states:

(a) *\*\*>Correspondence address and daytime telephone number.* When filing an application, a correspondence address must be set forth in either an application data sheet (§ 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing. If no correspondence address is specified, the Office may treat the mailing address of the first named inventor (if provided, see §§ 1.76(b)(1) and 1.63(c)(2)) as the correspondence address. The Office will direct all notices, official letters, and other communications relating to the application to the correspondence address.

Petitioner's electronic acknowledgement receipt establishes that Mark Thomas Garrett/Julie Hohle, both associated with Customer Number 32425, e-filed the application on June 15, 2010. An electronic acknowledgement receipt is similar to a post card receipt, as described in MPEP 503. A post card receipt cannot set forth a correspondence address. There appears to have been no explicit designation of Customer Number 32425 as the correspondence address of record in any papers submitted on June 15, 2010.

Since a correspondence address was not set forth in an ADS or elsewhere in a clearly identifiable manner, the Office treated the mailing address of the first named inventor as the correspondence address of record, as is required by 37 CFR 1.33(a). The June 28, 2010 Notice was mailed to a proper address.

An applicant is responsible for specifying a correct correspondence address. A delay caused by the failure on the part of the applicant to provide the Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

The application became abandoned because applicant did not inform the Office of a correct correspondence address and this action resulted in applicant's failure to timely respond to the Notice. The petition under 37 CFR 1.181 is dismissed.

Petitioner could attempt to file a renewed Rule 181 petition based on non-receipt at the correspondence address of record. However, petitioner is strongly encouraged to file a petition to revive under the unintentional standard of 137(b). A copy of the June 28, 2010 Notice is enclosed to allow petitioner to file a proper reply with the Rule 137(b) petition.

It is noted that Mark Garrett attempted to change the correspondence address of record on two occasions – September 27, 2010 and January 4, 2011. Per 37 CFR 1.33(a)(2), when a declaration has been filed by an inventor, the correspondence address may be changed by a patent practitioner of record appointed in compliance with § 1.32(b), an assignee, or all applicants. The requested changes were not made because Mark Garrett is not a specifically empowered attorney in this application. A courtesy copy of this decision will be mailed to the address listed on the petition. However, all future correspondence will be mailed solely to the correspondence of record until appropriate documents are filed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

By internet: EFS-Web  
[www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure: copy of June 28, 2010 Notice to File Corrected Application Papers; copy of June 28, 2010 filing receipt

CC: MARK GARRETT  
FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN, TX 78701



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/816,300	06/15/2010	Ethan Vickery	VICE.P005USC1

ETHAN VICKERY  
804 TURNBERRY  
MANSFIELD, TX 76063-3819

**CONFIRMATION NO. 3014**  
**FORMALITIES LETTER**



0000000042285000

Date Mailed: 06/28/2010

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 8-9.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/mhtcklu/

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/816,300	06/15/2010	3643	1572	VICE.P005USC1	50	6

CONFIRMATION NO. 3014

FILING RECEIPT



OC000000042284999

Date Mailed: 06/28/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Ethan Vickery, Mansfield, TX;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**

This application is a CON of 10/550,378 09/21/2005 PAT 7,735,258  
which is a 371 of PCT/US04/08692 03/19/2004  
which claims benefit of 60/456,807 03/22/2003

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 06/24/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/816,300**

**Projected Publication Date:** To Be Determined - pending completion of Corrected Papers

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***



**Title**

Tamper Resistant Weighted Rodent and Insect Bait Station

**Preliminary Class**

043

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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600 CONGRESS AVE.  
SUITE 2400  
AUSTIN TX 78701

**MAILED**  
**MAY 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Vickery :  
Application No. 12/816,300 :  
Filed: June 15, 2010 : **ON PETITION**  
Attorney Docket No. VICE.P005USC1 :  
For: TAMPER RESISTANT WEIGHTED :  
RODENT AND INSECT BAIT STATION :

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2011, to revive the above-identified application.

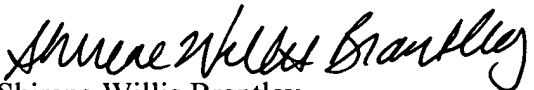
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit a reply to the June 28, 2010 Notice to File Corrected Application Papers, which set an extendable two month period for reply. No reply being received, the application became abandoned on August 29, 2010. A Notice of Abandonment was mailed on March 9, 2011.

Petitioner has submitted a proper reply to the June 28, 2010 Notice in the form of replacement drawing Figures 8 & 9, an acceptable statement of the unintentional nature of the delay in responding to the June 28, 2010 Notice, and the \$810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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**AUG 02 2010**  
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**KOLISCH HARTWELL, PC**  
**200 PACIFIC BUILDING**  
**520 SW YAMHILL STREET**  
**PORTLAND OR 97204**

In re Application of :  
Stewart W. Evans et al :  
Application No. 12/816,321 : **DECISION ON REQUEST FOR REFUND**  
Filed: June 15, 2010 :  
Attorney Docket No. FSI 331 :

This is a decision on the Request For Refund filed July 12, 2010.

The request is **DISMISSED**.

Applicant request a refund of the filing fees for the above-identified application and states that two different application serial numbers was assigned during a single EFS-Web filing session and that the filing fees were charged to both applications.

A review of Office records show that on June 15, 2010, application number 12/816,308 was submitted **without** payment of the filing fees and application number 12/816,321 was submitted **with** payment of the filing fees. The filing fees for application number 12/816,308, was charged to applicant's deposit account number on June 24, 2010, as authorization was provided.

In view of the above, it is concluded that the application was filed twice on purpose. Also, the Electronic Business Center (EBC) has confirmed such. Applicant is encouraged to note MPEP 607.02 which states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

**37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.**

As an alternative, petitioner may wish to file a declaration of express abandonment of the instant application pursuant to 37 CFR 1.138(d) to obtain a refund of the search and excess claims fees. A copy of form PTO/SB/24B is provided for petitioner's convenience. Petitioner is advised to file the declaration without delay as the express abandonment can only be processed before an examination has been made of the application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

Enclosure: Blank Form PTO/SB/24B



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TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of :  
Michael A. Evans, et. al. :  
Application No. 12/816,347 :  
Filed: June 15, 2010 :  
Attorney Docket No. 19744P-000740US :

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed April 22, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

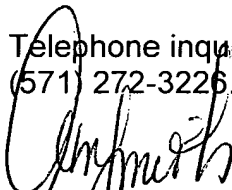
A review of the file record indicates that Brad Loos and the attorneys/agents associated with Customer Number 20350 do not have power of attorney in this patent application, but have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

Additionally, it is noted that practitioner has not certified that he has (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline. See *USPTO Form No. PTO/SB/83*<sup>1</sup>.

Further, practitioner should note that the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (See *USPTO Form PTO/SB/82*). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*<sup>2</sup>, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. Therefore, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Mr. Scott Loras Murray, Esq.  
Klein, O'Neill & Singh, LLC  
18200 Von Karman Avenue  
Suite 725  
Irvine, CA 92612

<sup>1</sup> Petitioner should note *USPTO Form Number PTO/SB/83* requires practitioner to "check each box below that is factually correct" and Warns that "If a box is left unchecked, the request will likely not be approved". (See *USPTO Form No. PTO/SB/83*).

<sup>2</sup> An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.



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**MILORD & ASSOCIATES, P.C.  
2029 CENTURY PARK EAST  
SUITE 2100  
LOS ANGELES, CA 90067**

**MAILED  
AUG 22 2011  
OFFICE OF PETITIONS**

In re Application of	:	
SAYEGH, et al	:	
Application No. 12/816,353	:	ON PETITION
Filed: July 15, 2010	:	
Attorney Docket No. SAY99-282P	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 25, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010. A Notice of Abandonment was mailed March 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a properly signed declaration and required fee; (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.



This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: MILORD A. KESHISHIAN  
2049 CENTURY PARK EAST, SUITE 3850  
LOS ANGELES, CA 90067



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Paper No.

CONNOLLY BOVE  
LODGE & HUTZ LLP  
1875 EYE STREET, N.W.  
SUITE 1100  
WASHINGTON DC 20006

**MAILED**  
**DEC 09 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Darley et al. : DECISION ON PETITION  
Application No. 12/816,385 :  
Filed: June 15, 2010 :  
Atty Docket No. 22409-01188-US:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 16, 2011.

The petition is **GRANTED**.

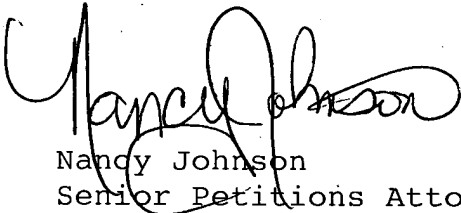
The above-identified application became abandoned for failure to timely file a proper reply to the Notice to File Missing Parts of Application mailed June 28, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice, with extensions of time under the provisions of 37 CFR 1.136(a) obtainable. No reply filed and no extension of time obtained, the above-identified application became abandoned effective August 29, 2010. A courtesy Notice of Abandonment was mailed on March 9, 2011.

Applicant has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of declarations executed, in combination, by both joint inventors and the required late surcharge of \$130 has been charged to the

Deposit Account, as authorized; the petition fee; and the required statement of unintentional delay.

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the declaration submitted on petition filed November 16, 2011.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" being more prominent than the last name "Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number:

Application Number  
(if known): 12816387

Filing date: 06/16/2010

First Named  
Inventor: Ke Ting Zheng

Title: SOLAR WATER HEATER RETROFITTED FROM CONVENTIONAL WATER HEATER, SYSTEM AND METHOD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Ke Ting Zheng/

Date 03/01/2011

Name  
(Print/Typed) Ke Ting Zheng

Registration Number

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,387	06/16/2010	Ke Ting Zheng		3201

7590 03/07/2011  
Ke Ting Zheng  
Suite 101  
950 W. Warm Springs Road  
Henderson, NV 89011

EXAMINER
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ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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03/07/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Ke Ting Zheng  
Suite 101  
950 W. Warm Springs Road  
Henderson NV 89011

In re Application of	:	
ZHENG, KE TING	:	DECISION ON PETITION
Application No. 12/816,387	:	TO MAKE SPECIAL UNDER
Filed: June 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 1, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a



request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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AUG 23 2010

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Clause Eight Intellectual Property Service  
P.O. Box 131270  
Carlsbad, CA 92013

In re application of : **DECISION ON PETITION**  
Alan Overton : **TO MAKE SPECIAL FOR**  
Application No. 12/816,390 : **NEW APPLICATION**  
Filed: June 16, 2010 : **UNDER 37 CFR 1.102**  
For: HYDRAULIC CLUTCH WITH EXPANSION  
RING ASSEMBLY

This is a decision on the renewed petition filed on August 13, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The renewed petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office.

In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.



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Steven N. Meyers,  
Quality Assurance Specialist  
Technology Center 3600

Sm/sm: 8/22/10



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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

**MAILED**

**MAR 08 2012**

**OFFICE OF PETITIONS**

In re Application of  
Yelin et al.  
Application No. 12/816,394  
Filed: 06/16/2010  
Attorney Docket No. 49019

ON PETITION

This is in response to the PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS, filed in the United States Patent and Trademark Office (USPTO) on June 16, 2010, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h)),

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners state that the necessity for the Color Drawings is to distinguish between the lines.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2886.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



José' G. Dees  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,424	06/16/2010	Shin Ohba	1032817-000075	3318
21839 7590 10/12/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER ZIMMERMAN, MARK K	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 10/12/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



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**BUCHANAN, INGERSOLL & ROONEY  
PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

**In re Application of  
OHBA et al.  
Application No.: 12/816,424  
Filed: 16 June 2010  
Attorney Docket No.: 1032817-000075  
For: IMAGE FORMING APPARATUS  
AND METHOD FOR SWITCHING  
BETWEEN SECURITY MODES**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 September 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;



4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the “Decision to Grant a Patent” from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a “Notification of Reasons for Refusal” then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example only, US claim 1 requires that the determination portion “determines whether or not the image forming apparatus keeps a job that is not to satisfy security requirements after the security level is enhanced” while JP claim 1 requires that the determination portion “determines whether or not the job stored includes a job that is not to satisfy security requirements after the security is enhanced.” Accordingly, the scope of US claim 1 is different from the scope of JP claim 1.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

A handwritten signature in black ink, appearing to read 'L. Young', with a stylized flourish at the end.

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,424	06/16/2010	Shin Ohba	1032817-000075	3318

21839	7590	11/16/2011
BUCHANAN, INGERSOLL & ROONEY PC		
POST OFFICE BOX 1404		
ALEXANDRIA, VA 22313-1404		

EXAMINER	
ZIMMERMAN, MARK K	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
11/16/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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offserv@bipc.com



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**BUCHANAN, INGERSOLL & ROONEY  
PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

**In re Application of  
OHBA et al.  
Application No.: 12/816,424  
Filed: 16 June 2010  
Attorney Docket No.: 1032817-000075  
For: IMAGE FORMING APPARATUS  
AND METHOD FOR SWITCHING  
BETWEEN SECURITY MODES**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 26 September 2011 and renewed 14 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

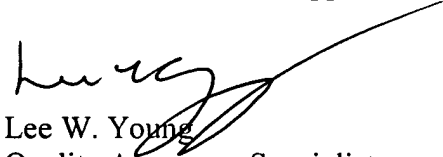
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600



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**WONG, CABELLO, LUTSCH, RUTHERFORD  
BRUCCULERI, L.L.P.  
20333 SH 249 6<sup>TH</sup> FLOOR  
HOUSTON, TX 77070**

**MAILED**  
**JUN 17 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
DE PEUTER, et al	:	
Application No. 12/816,426	:	DECISION ON PETITION
Filed: June 16, 2010	:	TO WITHDRAW
Attorney Docket No. 07-012-US-C (149-0198USC)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 16, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Coe F. Miles and the attorneys associated with Customer No. 29855, has been revoked by the assignee of the patent application on May 23, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,468	06/16/2010	Shingo MORISHIMA	MNL-2018-2535	3423
7590 12/21/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER DENION, THOMAS E	
			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			12/21/2011	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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OCT 27 2010

OFFICE OF PETITIONS

IBM CORP. (AUS/RCR)  
C/O ROLNIK LAW FIRM, P.C.  
24 N. MAIN ST.  
KINGWOOD TX 77339

In re Application of	:	
Andrew J. Schofield et al	:	DECISION REFUSING STATUS
Application No. 12/816,486	:	UNDER 37 CFR 1.47(a)
Filed: June 16, 2010	:	
Attorney Docket No. GB920090003US1	:	

This is in response to the petition filed July 29, 2010, which is being treated properly under 37 CFR 1.47(a).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration is not in compliance with 37 CFR 1.63 and 1.64. Counsel Pryor A. Garnett cannot sign the declaration on behalf of nonsigning inventor Philip G. Willoughby because, upon filing of the above-identified application, the declaration was signed by at least one of the inventors. Therefore, provisions under 37 CFR 1.47(a) exist rather than under 37 CFR 1.47(b).



Further correspondence with respect to this matter should be delivered through one of the following mediums:

- By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450
- By hand:                      Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314
- By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions
- By internet:                EFS-Web  
                                    [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
                                    (for help using EFS-Web call the  
                                    Patent Electronic Business Center  
                                    at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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C/O ROINK LAW FIRM, P.C.  
24 N. MAIN ST.  
KINGWOOD TX 77339

**MAILED**  
FEB 01 2011  
OFFICE OF PETITIONS

In re Application of	:	
Andrew J. Schofield et al	:	DECISION GRANTING STATUS
Application No. 12/816,486	:	UNDER 37 CFR 1.47(a)
Filed: June 16, 2010	:	
Attorney Docket No. GB20090003US1	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 18, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Technology Center AU 2194 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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**CERAMATEC, INC.**  
**2425 SOUTH 900 WEST**  
**SALT LAKE CITY UT 84119**

**MAILED**

**JUN 01 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Sai Bhavaraju	:	
Application No. 12/816,537	:	DECISION ON PETITION
Filed: June 16, 2010	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 25, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010. The Notice of Abandonment was mailed March 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and \$130 surcharge, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,549	06/16/2010	Tetsuya Shoji	07057.0429-00000	3628
7590 12/20/2011 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER KOONTZ, TAMMY J	
			ART UNIT 3974	PAPER NUMBER
			MAIL DATE 12/20/2011	DELIVERY MODE PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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**MAILED**

**AUG 05 2011**

Paper No.

**OFFICE OF PETITIONS**

DOBRUSIN & THENNISCH PC  
29 W LAWRENCE ST  
SUITE 210  
PONTIAC MI 48342

In re Application of	:	
Frost et al.	:	
Application No. 12/816,600	:	
Filed: June 16, 2010	:	DECISION
Attorney Docket Number: 1489-003	:	ON PETITION
Title: CYCLOHEXENE 1,4 -	:	
CARBOXYLATES	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53 FOR FILING DATE OF APPLICATION FILED WITHOUT DRAWINGS," filed July 15, 2011, requesting the above-identified application be accorded a filing date of June 16, 2010. The petition is being treated under 37 CFR § 1.53(e).

The application was deposited on June 16, 2010 without drawings. On July 7, 2011, the Office of Data Management sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on July 15, 2011, Applicant filed the present petition. Applicant has submitted three sheets of drawings, and has asserted that they are not required.

35 U.S.C. §113 sets forth that applicants "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Applicant has stated, over his registration number, that "drawings are not required for an understanding to (sic) the invention..."<sup>1</sup>

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<sup>1</sup> Petition, page 3. See also petition, page 1.

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

Because of this affirmative representation, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of June 16, 2010.

Accordingly, the petition is **GRANTED**.

The portion of the Notice which indicated that a filing date would not be accorded was sent in error, and that portion is hereby **VACATED**.

However, the petition fee will not be refunded, as the Office of Data Management formality examiner properly mailed the notice. It is noted that page eight of the substitute specification submitted on August 18, 2010 describes Figures 1 - 3.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- correction of the filing date to June 16, 2010;
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;
- for issuance of a filing receipt.

The concurrently filed petition pursuant to 37 C.F.R. § 1.48(a) will be decided by the Primary Examiner in due course.<sup>2</sup>

The amendment received on July 15, 2011 directing the entry of concurrently submitted Figures 1-3 will, of course, be reviewed by the Examiner for new matter.<sup>3</sup> The Examiner will note that these drawings were not present on initial deposit, and therefore fail to comply with 37 C.F.R. § 1.121(d) as each is not labeled as "New Sheet."

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<sup>2</sup> MPEP § 1002.02(e).

<sup>3</sup> See MPEP § 608.02(h).

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>4</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<sup>4</sup> Applicant will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Applicant is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicant.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,622	06/16/2010	Takashi IKUNO	145878	3788

7590 01/09/2012  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER
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RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
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1725

NOTIFICATION DATE	DELIVERY MODE
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01/09/2012

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*James*  
Patent Publication Branch  
Office of Data Management



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COHEN & GRIGSBY PC  
625 LIBERTY AVENUE  
PITTSBURGH PA 15222-3152

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Jay J. Bowman :  
Application No. 12/816,626 : **DECISION ON PETITION**  
Filed: June 16, 2010 :  
Attorney Docket No. 08-490 CIP :

This is a decision on the "RESPONSE TO NOTICE OF ABANDONMENT UNDER 37 C.F.R. 1.53(f) or (g)", filed May 4, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a full response to the Notice to File Missing Parts mailed June 30, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration, the surcharge for its late filing, a substitute specification, and replacement drawings. Therefore, the last day a reply could have been timely filed with the maximum five month extension of time would have been January 30, 2011. Applicants filed a declaration and surcharge on October 7, 2010, made timely by obtaining a two month extension of time. However, as Applicant did not submit a substitute specification or replacement drawings, the Office mailed a Notice of Incomplete Reply on October 18, 2010. The Notice stated that the period for reply would continue to run from the mailing date of the June 30, 2010 Notice to File Missing Parts. The Office mailed a Notice of Abandonment on March 11, 2011, stating that no reply had been received.

A review of the application file reveals the presence of a substitute specification and replacement drawings, filed on January 28, 2011, made timely by obtaining a five month extension of time. A review of Office finance records confirms that the Office received the fee for the five month extension of time on that same day. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the declaration and surcharge timely filed on October 7, 2010 (with a two month extension of time), and the substitute specification and replacement drawings timely filed on January 28, 2011 (with a five month extension of time).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



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MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

**MAILED**

**JUN 15 2011**

In re Application of :  
Matthew Dunie et al :  
Application No. 12/816,652 :  
Filed: June 16, 2010 :  
Attorney Docket No. T4621-17127US02 :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition, filed June 14, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on May 16, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2166 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,692	06/16/2010	Bycong-woo Bac	IAL0002US	3932
23413 7590 10/14/2010 CANTOR COLBURN LLP 20 Church Street 22nd Floor Hartford, CT 06103				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			10/14/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com



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CST

October 13, 2010

In re application of	:	DECISION ON REQUEST TO
Byeong-woo Bae et al	:	PARTICIPATE IN PATENT
Serial No. 12/816,692	:	PROSECUTION HIGHWAY
Filed: June 16, 2010	:	PROGRAM AND
For: LATERAL FLOW IMMUNOASSAY	:	PETITION TO MAKE SPECIAL
DEVICE WITH A MORE RAPID	:	UNDER 37 CFR 1.102(a)
AND ACCURATE TEST RESULT	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed June 16, 2010.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

- The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- An English translation of the allowable/ patentable claim(s), if applicable; and
- A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
- Submit a claims correspondence table in English;

Application No. 12/816,692

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition fail because:

(6) Applicant must submit:

- c. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- d. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The following references were cited in the Grant of Patent by the KIPO, however these references have not been listed on an IDS in the present application: US 7,045,297; KR 1020010034165; US 20070020768 and KR 1020050046265.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Application No. 12/816,692

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700





# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,692	06/16/2010	Byeong-woo Bac	IAL0002US	3932
<div>23413 7590 12/27/2010</div> <div>CANTOR COLBURN LLP</div> <div>20 Church Street</div> <div>22nd Floor</div> <div>Hartford, CT 06103</div>				
EXAMINER				
<div>ART UNIT PAPER NUMBER</div> <div>1775</div>				
<div>NOTIFICATION DATE DELIVERY MODE</div> <div>12/27/2010 ELECTRONIC</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com



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Alexandria, VA 22313-1450  
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DEC 27 2010

CST

In re application of	:	DECISION ON REQUEST TO
Byeong-woo Bae et al	:	PARTICIPATE IN PATENT
Serial No. 12/816,692	:	PROSECUTION HIGHWAY
Filed: June 16, 2010	:	PROGRAM AND
For: LATERAL FLOW IMMUNOASSAY	:	PETITION TO MAKE SPECIAL
DEVICE WITH A MORE RAPID	:	UNDER 37 CFR 1.102(a)
AND ACCURATE TEST RESULT	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed on November 4, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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CANTOR COLBURN LLP  
20 CHURCH STREET  
22<sup>ND</sup> FLOOR  
HARTFORD CT 06103

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Application of  
Byeong-Woo Bae et al  
Application No. 12/816,692  
Filed: June 16, 2010  
Attorney Docket No. HHI0011US

:  
:  
:  
:  
:

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed May 16, 2011.

The request is **GRANTED**.

Applicant files the above request and states that "An error was made in paying the fees associated with the filing of a Response to a Final Office Action on May 5, 2011. The Applicant is a small entity; however the large entity \$130.00 fee was erroneously/unnecessarily paid by the Attorney of Record. The correct small entity fee is \$65.00. Therefore, the credit card was over-billed by \$65."

In view of the above, the large entity portion of the extension fee is being credited to petitioner's credit card account, as it is the method in which the fee was paid on May 5, 2011.

It is noted that when applicant paid the \$130.00 fee, it was paid as a petition instead of an extension of time fee.

As authorized, the \$65.00 fee for the petition filed May 16, 2011, has been credited to petitioner's credit card account.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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**MAILED**

Paper No.

**AUG 05 2011**

**OFFICE OF PETITIONS**

DOBRUSIN & THENNISCH PC  
29 W LAWRENCE ST  
SUITE 210  
PONTIAC MI 48342

In re Application of	:	
Frost et al.	:	
Application No. 12/816,701	:	
Filed: June 16, 2010	:	DECISION
Attorney Docket Number: 1489-008	:	ON PETITION
Title: BIOBASED POLYESTERS	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53 FOR FILING DATE OF APPLICATION FILED WITHOUT DRAWINGS," filed July 15, 2011, requesting the above-identified application be accorded a filing date of June 16, 2010. The petition is being treated under 37 CFR § 1.53(e).

The application was deposited on June 16, 2010 without drawings. On July 7, 2011, the Office of Data Management sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on July 15, 2011, Applicant filed the present petition. Applicant has submitted three sheets of drawings, and has asserted that they are not required.

35 U.S.C. §113 sets forth that applicants "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Applicant has stated, over his registration number, that "drawings are not required for an understanding to (sic) the invention..."<sup>1</sup>

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<sup>1</sup> Petition, page 3. See also petition, page 1.

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

Because of this affirmative representation, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of June 16, 2010.

Accordingly, the petition is **GRANTED**.

The portion of the Notice which indicated that a filing date would not be accorded was sent in error, and that portion is hereby **VACATED**.

However, the petition fee will not be refunded, as the Office of Data Management formality examiner properly mailed the notice. It is noted that page eight of the substitute specification submitted on August 18, 2010 describes Figures 1 - 3.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- correction of the filing date to June 16, 2010;
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;
- for issuance of a filing receipt.

The concurrently filed petition pursuant to 37 C.F.R. § 1.48(a) will be decided by the Primary Examiner in due course.<sup>2</sup>

The amendment received on July 15, 2011 directing the entry of concurrently submitted Figures 1-3 will, of course, be reviewed by the Examiner for new matter.<sup>3</sup> The Examiner will note that these drawings were not present on initial deposit, and therefore fail to comply with 37 C.F.R. § 1.121(d) as each is not labeled as "New Sheet."

---

<sup>2</sup> MPEP § 1002.02(e).

<sup>3</sup> See MPEP § 608.02(h).

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>4</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>4</sup> Applicant will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Applicant is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicant.



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Paper No.

**AUG 05 2011**

**OFFICE OF PETITIONS**

DOBRUSIN & THENNISCH PC  
29 W LAWRENCE ST  
SUITE 210  
PONTIAC MI 48342

In re Application of	:	
Frost et al.	:	
Application No. 12/816,742	:	
Filed: June 16, 2010	:	DECISION
Attorney Docket Number: 1489-007	:	ON PETITION
Title: CYCLOHEXANE 1,4	:	
CARBOXYLATES	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53 FOR FILING DATE OF APPLICATION FILED WITHOUT DRAWINGS," filed July 15, 2011, requesting the above-identified application be accorded a filing date of June 16, 2010. The petition is being treated under 37 CFR § 1.53(e).

The application was deposited on June 16, 2010 without drawings. On July 7, 2011, the Office of Data Management sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on July 15, 2011, Applicant filed the present petition. Applicant has submitted three sheets of drawings, and has asserted that they are not required.

35 U.S.C. §113 sets forth that applicants "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Applicant has stated, over his registration number, that "drawings are not required for an understanding to (sic) the invention..."<sup>1</sup>

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<sup>1</sup> Petition, page 3. See also petition, page 1.



Decision on petition pursuant to 37 C.F.R. § 1.53(e)

Because of this affirmative representation, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of June 16, 2010.

Accordingly, the petition is **GRANTED**.

The portion of the Notice which indicated that a filing date would not be accorded was sent in error, and that portion is hereby **VACATED**.

However, the petition fee will not be refunded, as the Office of Data Management formality examiner properly mailed the notice. It is noted that page eight of the substitute specification submitted on August 18, 2010 describes Figures 1 - 3.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- correction of the filing date to June 16, 2010;
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;
- for issuance of a filing receipt.

The concurrently filed petition pursuant to 37 C.F.R. § 1.48(a) will be decided by the Primary Examiner in due course.<sup>2</sup>

The amendment received on July 15, 2011 directing the entry of concurrently submitted Figures 1-3 will, of course, be reviewed by the Examiner for new matter.<sup>3</sup> The Examiner will note that these drawings were not present on initial deposit, and therefore fail to comply with 37 C.F.R. § 1.121(d) as each is not labeled as "New Sheet."

---

<sup>2</sup> MPEP § 1002.02(e).

<sup>3</sup> See MPEP § 608.02(h).

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>4</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>4</sup> Applicant will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Applicant is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicant.



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Decision Date : January 11, 2012

In re Application of :

Thomas Hoffman

Application No : 12816762

Filed : 16-Jun-2010

Attorney Docket No : 1586-054

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 11, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12816762	
Filing Date	16-Jun-2010	
First Named Inventor	Thomas Hoffman	
Art Unit	1638	
Examiner Name	ELIZABETH MCELWAIN	
Attorney Docket Number	1586-054	
Title	Soybean Cultivar S090086	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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Paper No.

**MAILED**

**AUG 05 2011**

**OFFICE OF PETITIONS**

DOBRUSIN & THENNISCH PC  
29 W LAWRENCE ST  
SUITE 210  
PONTIAC MI 48342

In re Application of	:	
Frost et al.	:	
Application No. 12/816,763	:	
Filed: June 16, 2010	:	DECISION
Attorney Docket Number: 1489-006	:	ON PETITION
Title: NOVEL TEREPHTHALIC AND	:	
TRIMELLITIC BASED ACIDS AND	:	
CARBOXYLATE DERIVATIVES THEREOF	:	

This is a decision on the "PETITION UNDER 37 CFR 1.53 FOR FILING DATE OF APPLICATION FILED WITHOUT DRAWINGS," filed July 15, 2011, requesting the above-identified application be accorded a filing date of June 16, 2010. The petition is being treated under 37 CFR § 1.53(e).

The application was deposited on June 16, 2010 without drawings. On July 7, 2011, the Office of Data Management sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on July 15, 2011, Applicant filed the present petition. Applicant has submitted three sheets of drawings, and has asserted that they are not required.

35 U.S.C. §113 sets forth that applicants "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Applicant has stated, over his

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

registration number, that "drawings are not required for an understanding to (sic) the invention..."<sup>1</sup>

Because of this affirmative representation, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of June 16, 2010.

Accordingly, the petition is **GRANTED**.

The portion of the Notice which indicated that a filing date would not be accorded was sent in error, and that portion is hereby **VACATED**.

However, the petition fee will not be refunded, as the Office of Data Management formality examiner properly mailed the notice. It is noted that page eight of the substitute specification submitted on August 18, 2010 describes Figures 1 - 3.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- correction of the filing date to June 16, 2010;
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;
- for issuance of a filing receipt.

The concurrently filed petition pursuant to 37 C.F.R. § 1.48(a) will be decided by the Primary Examiner in due course.<sup>2</sup>

The amendment received on July 15, 2011 directing the entry of concurrently submitted Figures 1-3 will, of course, be reviewed by the Examiner for new matter.<sup>3</sup> The Examiner will note that these drawings were not present on initial deposit, and therefore fail to comply with 37 C.F.R. § 1.121(d) as each is not labeled as "New Sheet."

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<sup>1</sup> Petition, page 3. See also petition, page 1.

<sup>2</sup> MPEP § 1002.02(e).

<sup>3</sup> See MPEP § 608.02(h).

Decision on petition pursuant to 37 C.F.R. § 1.53(e)

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>4</sup>

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>4</sup> Applicant will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Applicant is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicant.



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**FISH & RICHARDSON P.C. (SV)  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022**

**MAILED  
JUN 01 2011  
OFFICE OF PETITIONS**

In re Application of	:	
Mingsheng Hong et al.	:	
Application No. 12/816,770	:	DECISION ON PETITION
Filed: June 16, 2010	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 23960-0012001	:	

This is a decision on the petition, filed April 27, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 22, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.



A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 1, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being forwarded to Technology Center 2161 for further processing.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/816,770	06/16/2010	Mingsheng Hong	23960-0012001

CONFIRMATION NO. 4117

26181  
FISH & RICHARDSON P.C. (SV)  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

## NONPUBLICATION RESCISSION LETTER



OC000000047814657

Date Mailed: 05/23/2011

### Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/01/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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FOLEY & LARDNER LLP  
150 EAST GILMAN STREET  
P.O. BOX 1497  
MADISON WI 53701-1497

**MAIL**

**MAR 31 2011**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

In re Application of:

MYERS, THEODORE J.

Serial No.: 12/816,783

Filed: June 16, 2010

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:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

Title: **CONTROLLING POWER IN A  
SPREAD SPECTRUM SYSTEM**

The request for reconsideration to make the application special filed August 12, 2010 is  
**GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

/Kenneth A. Wieder/

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Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 11, 2012

In re Application of :

Thomas Hoffman

Application No : 12816784

Filed : 16-Jun-2010

Attorney Docket No : 1586-055

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 11, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12816784	
Filing Date	16-Jun-2010	
First Named Inventor	Thomas Hoffman	
Art Unit	1638	
Examiner Name	ELIZABETH MCELWAIN	
Attorney Docket Number	1586-055	
Title	Soybean Cultivar S090057	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		26263 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 11, 2012

In re Application of :

Thomas Hoffman

Application No : 12816814

Filed : 16-Jun-2010

Attorney Docket No : 1586-056

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 11, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12816814	
Filing Date	16-Jun-2010	
First Named Inventor	Thomas Hoffman	
Art Unit	1638	
Examiner Name	ELIZABETH MCELWAIN	
Attorney Docket Number	1586-056	
Title	Soybean Cultivar S090069	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



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Alexandria, VA 22313-1450  
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**FISH & RICHARDSON P.C. (SV)  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022**

**MAILED  
JUN 01 2011  
OFFICE OF PETITIONS**

In re Application of	:	
Mingsheng Hong et al.	:	
Application No. 12/816,822	:	DECISION ON PETITION
Filed: June 16, 2010	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 23960-0011001	:	

This is a decision on the petition, filed April 27, 2011, a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 22, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 8, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being forwarded to Technology Center 2161 for further processing.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/816,822	06/16/2010	Mingsheng Hong	23960-0011001

CONFIRMATION NO. 4216

NONPUBLICATION RESCISSION  
LETTER



Date Mailed: 05/31/2011

26181  
FISH & RICHARDSON P.C. (SV)  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

**Communication Regarding Rescission Of  
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/08/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii); and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Luce, Forward, Hamilton & Scripps LLP  
2050 Main Street, Suite 600  
Irvine CA 92614

**MAILED**  
**MAR 26 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Donald T. Shannon  
Application No. 12/816,836  
Filed: June 16, 2010  
Attorney Docket No. 38012-10302

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Danilo Fernando Goodrich

Application No. 12816859

Filed: June 16, 2010

Attorney Docket No. 1869.0100

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:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

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This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,874	06/16/2010	Carsten Roed	VWS-99US	4326
26875 7590 12/07/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
EXAMINER				
ART UNIT PAPER NUMBER				
3745				
MAIL DATE DELIVERY MODE				
12/07/2010 PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

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WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI OH 45202

In re Application of	:	
ROED, CARSTEN et al	:	DECISION ON REQUEST TO
Application No. 12/816,874	:	PARTICIPATE IN PATENT
Filed: June 16, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. VWS-99US	:	PILOT PROGRAM AND PETITION
For: HYDRAULIC SYSTEM AND METHOD :	:	TO MAKE SPECIAL UNDER
FOR OPERATING A BRAKE OF A	:	37 CFR 1.102(d)
WIND TURBINE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed December 7, 2010, to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the DKPTO application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS statement is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Edward Look, SPE of Art Unit 3745 and 571-272-4820.

The application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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[www.uspto.gov](http://www.uspto.gov)

NALCO COMPANY  
1601 W. DIEHL ROAD  
NAPERVILLE IL 60563-1198

**MAILED**

**JUN 13 2011**

**OFFICE OF PETITIONS**

In re Application of  
Raul O. Diaz  
Application No. 12/816,876  
Filed: June 16, 2010  
Attorney Docket No. 8322-NES

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**ON PETITION**


This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed June 28, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on August 29, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

ATTORNEY DOCKET  
080900.0431  
09047QRG

PATENT APPLICATION  
12/816900

1 of 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/816900  
Application Title: *Touch-Screen Panel and Related Methods*  
First Named Inventor: Martin J. Simmons  
Filing Date: 16 June 2010  
Confirmation No.: 4399  
Art Unit: 2629  
Examiner: Unassigned

**Petition to Make Special Under 37 C.F.R. § 1.102**

Applicant submits this Petition under 37 C.F.R. § 1.102 to have this Application accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at [http://www.uspto.gov/patents/init\\_events/brs\\_conditions.pdf](http://www.uspto.gov/patents/init_events/brs_conditions.pdf)*):

- a) Applicant seeks special status for this Application on the basis of the express abandonment of co-pending U.S. Patent Application No. 12/356987;
- b) Applicant includes with this Petition a copy of the Declaration of Abandonment of U.S. Patent Application No. 12/356987;
- c) The relationship between this Application and U.S. Patent Application No. 12/356987 that qualifies this Application for special status is this Application and U.S. Patent Application No. 12/356987 having a common assignee, Atmel Corporation;
- d) Applicant is expressly abandoning U.S. Patent Application No. 12/356987;
- e) Applicant certifies that Applicant has not filed petitions in more than 14 other applications requesting special status under this program; and
- f) Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of this Application to be made special are directed to two or more independent and distinct inventions.

ATTORNEY DOCKET  
080900.0431  
09047QRG

PATENT APPLICATION  
12/816900

2 of 2

**Conclusion**

Applicant respectfully petitions the Office to accord this Application special status. The Commissioner may charge any fee due and credit any overpayment for this Application to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'T. W. Thomas', with a horizontal line underneath.

Travis W. Thomas  
Reg. No. 48,667

Date: 12 April 2011

**Customer No. 12323**

ATTORNEY DOCKET  
080900.0873  
P000287/US/2

PATENT APPLICATION  
12/356987

1 of 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/356987  
Application Title: *Radio Network System and Method for the Determining an Unknown Position of a Transmitting/Receiving Unit of a Radio Network*  
First Named Inventor: Frank Poegel  
Filing Date: 21 January 2009  
Confirmation No.: 9861  
Art Unit: 2617  
Examiner: Shantell Laketa Heiber

**Declaration of Abandonment Under 37 C.F.R. § 1.138(a)**

Applicant hereby expressly abandons this Application to have co-pending U.S. Patent Application No. 12/816900 accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at* [http://www.uspto.gov/patents/init\\_events/brs\\_conditions.pdf](http://www.uspto.gov/patents/init_events/brs_conditions.pdf)), Applicant states:

- a) Applicant has not and will not file an application that claims the benefit of U.S. Patent Application No. 12/356987 under any provision of Title 35 of the United States Code;
- b) Applicant agrees not to request a refund of any fees paid in U.S. Patent Application No. 12/356987; and
- c) Applicant has not filed and will not file a new application that claims the same invention claimed in U.S. Patent Application No. 12/356987 (with the phrase “same invention” having the same meaning as used in the context of statutory double-patenting under 35 U.S.C. § 101).

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



Travis W. Thomas  
Reg. No. 48,667

Date: 12 April 2011  
Customer No. 12323



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Baker Botts L.L.P.  
2001 Ross Avenue, 6th Floor  
Dallas TX 75201

**MAILED**

**APR 15 2011**

In re Application of  
SIMMONS  
Application No. 12/816,900  
Filed: June 16, 2010  
Attorney Docket No. 080900.0431

**OFFICE OF PETITIONS**  
DECISION ON PETITION  
TO MAKE SPECIAL  
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed April 12, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

- a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
  - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
  - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
  - b) identifies, by application number if available, the application that is being expressly abandoned;
  - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
  - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Items 1 and 4 above.

More specifically, the application, i.e., 12/816,900, for which special status is sought, does not have an actual filing date earlier than October 1, 2009 (Item 1). The letter of express abandonment under 37 CFR 1.138(a) was not filed before copending application Serial No. 12/356,987 was taken up for examination (Item 4). As such, the present petition to make special must be dismissed.



Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450


By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By FAX:                   (571) 273-8300

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2629 for action in its regular turn.

  
Brian W. Brown  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,936	06/16/2010	Takahiro Takimoto	6639P964	4463
8791 7590 06/14/2011 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER KELLEY, CHRISTOPHER S	
			ART UNIT 2482	PAPER NUMBER
			MAIL DATE 06/14/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Blakely Sokoloff Taylor & Zafman LLP  
1279 Oakmead Parkway  
Sunnyvale CA 94085-4040

In re Application of: Takimoto et al.  
Application No. 12/816936  
Filed: June 16, 2010  
For: Moving Image Encoding Apparatus,  
Moving Image Encoding Method, and Video  
Device

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 7, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English; and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).
- (7) The required petition fee under 37 CFR 1.17(h) if filed before May 25, 2010.

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/  
\_\_\_\_\_  
Tod Swann  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,944	06/16/2010	Kazuyoshi Kuwahara	6639P965	4478

8791	7590	04/22/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP		
1279 OAKMEAD PARKWAY		
SUNNYVALE, CA 94085-4040		

EXAMINER	
RINEHART, MARK H	

ART UNIT	PAPER NUMBER
2111	

MAIL DATE	DELIVERY MODE
04/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of: KUWAHARA et al.  
Application No. 12/816,944  
Attorney Docket #: 6639P965  
Filed: June 16, 2010  
For: INFORMATION PROCESSING  
APPARATUS

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 3, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either
    - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims,
  - Or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim,
  - Or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
  - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

“Decision to Grant a Patent” (e.g., the latest “Notification of Reasons for Refusal”) from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,962	06/16/2010	Atsushi Yamazaki	6639P966	4524

7590 12/20/2010  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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ART UNIT	PAPER NUMBER
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2468

MAIL DATE	DELIVERY MODE
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12/20/2010

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)  
*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Farmer*

Patent Publication Branch  
Office of Data Management

12/27/2010 09:00 AM 00000001 000000 10000000  
01 000000 100000 00



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/816,962	06/16/2010	Atsushi Yamazaki	6639P966	4524

7590 12/20/2010  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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ART UNIT	PAPER NUMBER
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2468

MAIL DATE	DELIVERY MODE
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12/20/2010

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Sarnes*  
Patent Publication Branch  
Office of Data Management

Adjusted date: 12/17/2010  
By: 12/17/2010  
12/17/2010  
540.20 CA



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BLACK LOWE & GRAHAM, PLLC  
701 FIFTH AVENUE  
SUITE 4800  
SEATTLE WA 98104

MAILED SEP 28 2010

In re Application of: Eisner, Seth	:	DECISION ON PETITION TO
Application No.: 12/816981	:	MAKE SPECIAL FOR NEW
Filed: June 16, 2010	:	APPLICATION UNDER 37
Title: Location-Aware Distributed Sporting Events	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the petition filed on June 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

#### REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 6.2, 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” hereinbelow, the received papers under consideration include the PTO/SB/28 form, the “pre-examination search document” including pages 1-10; the “accelerated examination support document” comprising pages 1-54, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in 700, subclass 93; class 463, subclass 7.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat “the independent claims”, nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in “Guidelines for Applicants under the new accelerated examination procedures”):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. There is no direct explanation of each limitation of the claims with the corresponding limitation in the references. By not addressing all limitations, it is

not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Additionally, every reference found in the IDS filed on 7/1/10 is not discussed. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, patentability has not been discussed relative to the reference file on 7/1/10.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such support exists. In the instant petition, support is not shown for provisional application 61/264151, from which the current application claims priority.

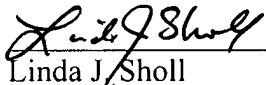
#### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

A handwritten signature in cursive script, appearing to read "Linda J. Sholl", is written over a horizontal line.

Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



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BLACK LOWE & GRAHAM, PLLC  
701 FIFTH AVENUE  
SUITE 4800  
SEATTLE WA 98104

In re Application of: Seth Eisner

Application No.: 12/816981

Filed: June 16, 2010

Title: LOCATION-AWARE DISTRIBUTED  
SPORTING EVENTS

:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on October 27, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.



3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl at (571) 272-4391

/Linda Sholl/  
Linda Sholl  
Special Programs Examiner  
Technology Center 3700



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**BOYLE FREDRICKSON S.C.**  
**840 North Plankinton Avenue**  
**MILWAUKEE WI 53203**

**MAILED**

**JAN 04 2011**

**OFFICE OF PETITIONS**

In re Application of :

Jonathan J. Ricciardi, et al. :

Application No. 12/816,986 :

Filed: June 16, 2010 :

Attorney Docket No. 1712.011 :

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring of record declaring that that he is in possession of evidence, and will retain such in the application file record, showing that the inventor Carl Len Ricciardi is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2855 for action on the merits commensurate with this decision.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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OCT 04 2010

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WEITZMAN LAW OFFICES, LLC  
425 EAGLE ROCK AVENUE  
SUITE 102  
ROSELAND NJ 07068

In re application of: : **DECISION ON PETITION**  
Weinstein, Seth I. et al. : **TO MAKE SPECIAL FOR**  
Application No.: 12/817,021 : **NEW APPLICATION**  
Filed: June 16, 2010 : **UNDER 37 CFR 1.102**  
For: PORTFOLIO CONFIRMATION AND CERTIFICATION PLATFORM

This is a decision on the petition filed on June 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the

first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert Weinhardt', is written over a horizontal line.

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/10/4/10



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**OFFICE OF PETITIONS**

**KELLY LOWRY & KELLEY, LLP  
6320 CANOGA AVENUE  
SUITE 1650  
WOODLAND HILLS CA 91367**

In re Application of	:	
Robert A. Stevenson et al	:	DECISION REFUSING STATUS
Application No. 12/817,030	:	UNDER 37 CFR 1.47(a)
Filed: June 16, 2010	:	
Attorney Docket No. GREATB-53051	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 16, 2010.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item(s) (3) as set forth above.

As to item (3), applicant submitted the fee of \$130.00 for the above petition instead of the correct fee of \$200.00 as required by 37 CFR 1.17(g).



Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

By internet:                EFS-Web  
                                    [www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
                                    (for help using EFS-Web call the  
                                    Patent Electronic Business Center  
                                    at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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**KELLY LOWRY & KELLEY, LLP**  
**6320 CANOGA AVENUE**  
**SUITE 1650**  
**WOODLAND HILLS CA 91367**

**MAILED**  
**JAN 31 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Robert A. Stevenson et al	:	DECISION GRANTING STATUS
Application No. 12/817,030	:	UNDER 37 CFR 1.47(a)
Filed: June 16, 2010	:	
Attorney Docket No. GREATB-53051	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 14, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Technology Center AU 3766 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,072	06/16/2010	Takayuki IWASE	SUTOSH.625AUS	4764
20995 7590 12/10/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
ART UNIT PAPER NUMBER				
2627				
NOTIFICATION DATE DELIVERY MODE				
12/10/2010 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of	:	
IWASE, TAKAYUKI	:	DECISION ON REQUEST TO
Application No. 12/817,072	:	PARTICIPATE IN PATENT
Filed: June 16, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. SUTOSH.625AUS	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), October 14, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/817,103	Filing Date:	June 16, 2010
First Named Inventor:	Lindelsee, Mike		
Title of the Invention: MOBILE DEVICE INCLUDING AUTO INITIATION			
<b>THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML</a>.</b>			
<b>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT_PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.</b>			
<p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.</p> <p><b>The corresponding PCT application number(s) is/are:</b> PCT/US2010/040350</p> <p><b>The international date of the corresponding PCT is/are:</b> June 29, 2010</p> <p><b>I. List of Required Documents:</b></p> <p>a. <b>A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</b></p> <p><input checked="" type="checkbox"/> Is attached.</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>b. <b>A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)</b></p> <p><input type="checkbox"/> Is attached.</p> <p><input checked="" type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>c. <b>English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</b></p> <p>d. <b>(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IOEA, IPER) of the corresponding PCT application</b></p> <p><input checked="" type="checkbox"/> Is attached.</p> <p><input type="checkbox"/> Has already been filed in the above-identified U.S. application on _____</p> <p><b>(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)</b></p> <p><input checked="" type="checkbox"/> Are attached.</p> <p><input type="checkbox"/> Have already been filed in the above-identified U.S. application on _____</p>			

Signature	/Girish M. Basarkar/	Date	May 9, 2011
Name (Print/Typed)	Girish M. Basarkar	Registration Number	64,508



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,103	06/16/2010	Mike Lindelsee	79900-773407 (050410US)	4834
66945 7590 08/22/2011 KILPATRICK TOWNSEND & STOCKTON LLP/VISA TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111			EXAMINER STAMBER, ERIC W	
			ART UNIT 3622	PAPER NUMBER
			NOTIFICATION DATE 08/22/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com





UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 19 2011

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United States Patent and Trademark Office  
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KILPATRICK TOWNSEND & STOCKTON LLP/VISA  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO CA 94111

In re application of:	:	<b>DECISION ON REQUEST TO</b>
LINDELSEE, Mike, et al.	:	<b>PARTICIPATE IN PATENT</b>
Application No.: 12/817,103	:	<b>PROSECUTION HIGHWAY</b>
Filed: June 16, 2010	:	<b>PROGRAM AND PETITION</b>
For: MOBILE DEVICE INCLUDING	:	<b>TO MAKE SPECIAL UNDER</b>
AUTO INITIATION	:	<b>37 C.F.R. 1.102(d)</b>

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed May 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed

IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting documents filed May 9, 2011, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/8/16/11



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**SHUMAKER LOOP & KENDRICK  
101 E. KENNEDY  
SUITE 2800  
TAMPA FL 33672-0609**

**MAILED  
AUG 24 2011  
OFFICE OF PETITIONS**

In re Application of :  
Edwin L. Patton :  
Application No. 12/817,123 : **DECISION ON PETITION**  
Filed: June 16, 2010 :  
Attorney Docket No. P37270-122356 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 29, 2010 and the Notice of Incomplete Reply (Nonprovisional) mailed September 7, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. A one-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on September 30, 2010. A Notice of Abandonment was mailed July 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement Drawings (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$65.00, one-month extension of time fee submitted with the petition on July 26, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner via treasury check in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/  
Joan Olszewski  
Petition Examiner  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM</b>		
Attorney Docket Number: 643842001100	Application Number (if known): 12/817,134	Filing date: June 16, 2010
First Named Inventor: Gopal K. CHOTANI		
Title: IMPROVED ISOPRENE PRODUCTION USING THE DXP AND MVA PATHWAY		
<b>APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.</b>		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition:  <b><u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.</b>		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: Statement of Special Status (3 pages)		

Signature /Terri Shieh-Newton/	Date January 6, 2012
Name (Print/Typed) Terri Shieh-Newton	Registration Number 47,081
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.	



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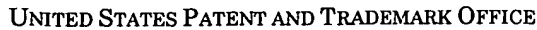
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,134	06/16/2010	Gopal K. Chotani	643842001100	4900
25226 7590 01/17/2012 MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018				
			EXAMINER RAGHU, GANAPATHIRAM	
			ART UNIT 1652	PAPER NUMBER
			NOTIFICATION DATE 01/17/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EOfficePA@mofo.com  
drcaldwell@mofo.com  
PatentDocket@mofo.com



**JAN 17 2012**

.....

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1652 for action on the merits commensurate with this decision.

/Manjunath Rao/

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Manjunath Rao  
Supervisory Patent Examiner &  
POC for TC 1600 Green Tech Petitions  
Technology Center 1600

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12817196	
Filing Date	17-Jun-2010	
First Named Inventor	Lester LUDWIG	
Art Unit	2832	
Examiner Name	DAVID WARREN	
Attorney Docket Number	2152-3071	
Title	MULTI-CHANNEL DATA SONIFICATION SYSTEM WITH PARTITIONED TIMBRE SPACES AND MODULATION TECHNIQUES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☒ One or more claims are unpatentable
- ☐ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and explanation have already been filed in the above-identified application on

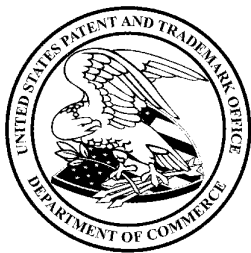
☒ Amendment and explanation are attached

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Craig W. Schmoyer/
Name	Craig W. Schmoyer
Registration Number	51007



## UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 9, 2012

In re Application of :

Lester LUDWIG

Application No : 12817196

Filed : 17-Jun-2010

Attorney Docket No : 2152-3071

### DECISION ON PETITION

UNDER CFR 1.313(c)(1)

This is an electronic decision on the petition under 37 CFR 1.313(c)(1), filed April 9, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

The application is being referred to Technology Center AU 2832 for consideration of the amendment submitted with the petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,242	06/17/2010	Assaf SCHUSTER	49072	5117

67801 7590 09/23/2010  
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON, VA 22215

EXAMINER
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ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
09/23/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

In re Application of: )  
SCHUSTER, ASSAF, et al. )  
Application No.: 12/817242 )  
Filed: June 17, 2010 )  
For: METHOD AND SYSTEM OF )  
MANAGING AND/OR MONITORING )  
DISTRIBUTED COMPUTING BASED ON )  
GEOMETRIC CONSTRAINTS )

**DECISION ON PETITION UNDER 37  
C.F.R. § 1.84(a)(2) TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed June 17, 2010, requesting acceptance of color drawings

The petition is **DISMISSED**.

**REGULATIONS AND PRACTICE**

37 C.F.R. § 1.84(a)(2) states:

(2) *Color*. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) **An amendment to the specification** to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

OG Notice 1348 OG 389 (Nov 24, 2009) - Legal Framework for Electronic Filing System - Web (EFS-Web) (21 Oct 2009) states:

...The requirement for three (3) sets of color drawings under 37 CFR 1.84(a)(2)(ii) is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

37 CFR § 1.4 states:

(c) Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order **must** be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects

37 CFR § 1.121 states:

(h) Amendment sections. Each section of an amendment document ( e.g., amendment to the claims, amendment to the specification, replacement drawings, and remarks) **must** begin on a **separate sheet**.

### **DECISION**

The petition, filed June 17, 2010 satisfies conditions (i) and (ii) (filing via EFS); however, condition (iii) is not satisfied because the request to amend the specification in the petition is not compliance with 37 CFR § 1.4 (c) and 1.121 (h).

For the above reasons, the petition is **DISMISSED**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

/Kim Huynh/

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Kim Huynh, WQAS  
Technology Center 2400  
Network, Multiplexing, Cable and Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,242	06/17/2010	Assaf SCHUSTER	49072	5117
67801 7590 10/28/2010 MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215				
EXAMINER				
ART UNIT		PAPER NUMBER		
2447				
MAIL DATE		DELIVERY MODE		
10/28/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.  
P.O. BOX 16446  
ARLINGTON VA 22215

In re Application of:  
SCHUSTER, ASSAF, et al.  
Application No.: 12/817242  
Filed: June 17, 2010  
For: METHOD AND SYSTEM OF  
MANAGING AND/OR MONITORING  
DISTRIBUTED COMPUTING BASED ON  
GEOMETRIC CONSTRAINTS

)  
)  
)  
) **DECISION ON PETITION UNDER 37**  
) **C.F.R. § 1.84(a)(2) TO ACCEPT COLOR**  
**DRAWINGS**

This is a decision on the renew petition under 37 C.F.R. 1.84(a)(2), filed Oct 06, 2010, requesting acceptance of color drawings. The original petition, submitted on June 17, 2010 was dismissed in the decision mailed on Sep 24, 2010 due to lack of proper language in the brief description of the drawings. The instant petition includes an amendment to the specification, thus satisfy the requirements of 37 C.F.R. § 1.84(a)(2).

The petition is **GRANTED**.

**REGULATIONS AND PRACTICE**

37 C.F.R. § 1.84(a)(2) states:

(2) *Color*. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

OG Notice 1348 OG 389 (Nov 24, 2009) - Legal Framework for Electronic Filing System - Web (EFS-Web) (21Oct2009) states:

...The requirement for three (3) sets of color drawings under 37 CFR 1.84(a)(2)(ii) is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

### **DECISION**

The original petition, submitted on June 17, 2010 was dismissed in the decision mailed on Sep 24, 2010 due to lack of proper language in the brief description of the drawings. The instant petition, filed Oct 06, 2010, includes an amendment to the specification, thus satisfies conditions (i)-(iii) of 37 C.F.R. § 1.84(a)(2); condition (ii) is satisfied per OG Notice 1348 OG 389.

The petition is **GRANTED**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

/Kim Huynh/

---

Kim Huynh, WQAS  
Technology Center 2400  
Network, Multiplexing, Cable and Security

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: <b>O2-0600</b>	Application Number (if known): <b>12/817,388</b>	Filing date: <b>06/17/2010</b>
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First Named Inventor: **Da LIU**

Title: **CIRCUITS AND METHODS FOR DRIVING A LOAD WITH POWER FACTOR CORRECTION FUNCTION**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/James P. Hao/**

Date **12/13/2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

O2-0600  
12/817,388

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Da LIU et al.

Examiner:

Serial No.: 12/817,388

Group Art Unit: 2821

Filed: 06/17/2010

Docket: O2-0600

Confirmation No.: 5472

Title: CIRCUITS AND METHODS FOR DRIVING A LOAD WITH POWER FACTOR  
CORRECTION FUNCTION

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**STATEMENT OF SPECIAL STATUS FOR PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**BASIS FOR SPECIAL STATUS**

Special status under the Green Technology Pilot program is sought because the claimed subject matter of this Application materially contributes to the more efficient utilization and conservation of energy resources. Further, the claimed subject matter of this Application materially enhances the quality of the environment through energy conservation.

**HOW THE MATERIALITY STANDARD IS MET**

The claimed subject matter of this Application is directed to electronic system, circuit for driving light sources, such as light emitting diodes (LEDs), and controller for

controlling converter circuitry driving light sources, such as light emitting diodes (LEDs). The electronic system, circuit, and controller materially improve power efficiency and materially reduce energy consumption by adjusting a power factor (which is indicative of power efficiency) in response to degradation of the power factor. Moreover, the claimed invention subject matter provides circuitry and method for correcting of power factor of the circuit/system to further enhance the power efficiency. Additionally, the claimed subject matter may be employed in industrial equipment, commercial equipment, and household appliances to materially contribute to the more efficient utilization and conservation of energy resources.

An example of a household appliance is a display system. In a display system, one or more light sources are driven by a driving circuit for illuminating a display panel. For example, in a liquid crystal display (LCD) display system with light emitting diode (LED) backlight, an LED array is used for illuminating an LCD panel. An LED array may comprise two or more LED strings, and each LED string may comprise a group of LEDs connected, for example, in series. The claimed subject matter may be employed herein to drive the LED array to generate the desired light output while providing energy efficiency and reduction in energy consumption.

LEDs have a multitude of environmental advantages. Unlike incandescent and fluorescent bulbs, an LED light source does not utilize a filament or any type of luminary gas. LEDs contain no harmful chemicals such as mercury which is found in fluorescent lights. LEDs are manufactured from materials that can be fully recycled.

O2-0600  
12/817,388

Most energy used by the LED is converted into light, not heat. Traditional lighting is relatively inefficient due to the large amounts of heat generated in the production of light. Moreover, LEDs have a longer lifespan.

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

**MURABITO HAO & BARNES LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
71271

Respectfully submitted,

Date: 12/13/2010

By: /James P. Hao/  
James P. Hao  
Reg. No. 36,398





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,388	06/17/2010	Da Liu	0600	5472
71271 7590 12/21/2010 PATENT PROSECUTION O2MIRCO, INC. 3118 PATRICK HENRY DRIVE SANTA CLARA, CA 95054				
EXAMINER				
ART UNIT PAPER NUMBER				
2821				
MAIL DATE DELIVERY MODE				
12/21/2010 PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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PATENT PROSECUTION  
O2MIRCO, INC.  
3118 PATRICK HENRY DRIVE  
SANTA CLARA CA 95054

In re Application of	:	
LIU et al.	:	DECISION ON PETITION
Application No. 12/817,388	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0600	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 13, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

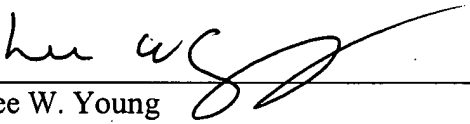
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.



---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 099431-0118 (DYC0010US01)

Application Number  
(if known): 12/817425

Filing date: 06/17/2010

First Named  
Inventor: Brian Chemel

Title: SENSOR-BASED LIGHTING METHODS, APPARATUS, AND SYSTEMS EMPLOYING ROTATABLE LED LIGHT BARS (formerly FIXTURE WITH ROTATABLE LIGHT MODULES)

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature

Name  
(Print/Typed) Joseph Teja, Jr.

Date

Registration Number 45,157

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: CHEMEL et al.  
Title: SENSOR-BASED LIGHTING METHODS, APPARATUS, AND  
SYSTEMS EMPLOYING ROTATABLE LED LIGHT BARS  
(formerly FIXTURE WITH ROTATABLE LIGHT MODULES)  
Appl. No.: 12/817425  
Filing Date: 6/17/2010  
Examiner: Sean P. Gramling  
Art Unit: 2875  
Confirmation Number: 5546

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT—GREEN  
TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits this Statement in support of their Petition to make the above-identified patent application special under the Green Technology Pilot Program.

The above-identified patent application (published as Publication No. 2010-0296285) meets the requirements for inclusion in the Pilot Program for Green Technologies Including Greenhouse Gas Reduction of the United States Patent and Trademark Office set forth in the Federal Register, Vol. 74, No. 234 (December 8, 2009); the Federal Register, Vol. 75, No. 98 (May 21, 2010); and the Federal Register, Vol. 75, No. 217 (November 10, 2010).

The statement of special status for the eligibility requirement for the above-identified application is as follows.

The above-identified application is directed to sensor-based lighting methods, apparatus, and systems employing light emitting diodes (LEDs). The LEDs are arranged as a plurality of

rotatable LED light bars that provide variable lighting at a plurality of light levels and/or a plurality of foot-candle patterns. The variable lighting provided by the light bars is adjusted based at least in part on sensor information provided by one or more sensors. Exemplary sensors that provide information in response to which the variable lighting may be adjusted include, but are not limited to, occupancy sensors, thermal sensors, electromagnetic sensors, mechanical sensors, chemical sensors, and light sensors.

The methods, apparatus and systems to which the application and claims pertain represent a significant advance in the area of energy conservation and environmental quality by intelligently managing artificial light sources based on sensed conditions, thereby reducing energy consumption.

Accordingly, it is respectfully submitted that the above-identified application is clear on its face that the claimed invention materially contributes to energy conservation, and satisfies all of the requirements for the Pilot Program for Green Technologies Including Greenhouse Gas Reduction.

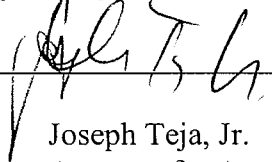
The above-identified application was published as U.S. Patent Application Publication No. 2010-0296285 on November 25, 2010. The publication fee under 37 CFR § 1.18(d) accompanies the Petition.

If additional information regarding the above-identified application or the underlying invention is required, the Patent Office is requested to contact the undersigned.

Date 7/19/11

FOLEY & LARDNER LLP  
Customer Number: 48329  
Telephone: (617) 342-4029  
Facsimile: (617) 342-4001

Respectfully submitted,

By 

Joseph Teja, Jr.  
Attorney for Applicant  
Registration No. 45,157



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,425	06/17/2010	Brian J. Chemel	5788-101675	5546

28289	7590	07/28/2011
THE WEBB LAW FIRM, P.C. ONE GATEWAY CENTER 420 FT. DUQUESNE BLVD, SUITE 1200 PITTSBURGH, PA 15222		

EXAMINER	
GRAMLING, SEAN P	

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
07/28/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

THE WEBB LAW FIRM, P.C.  
ONE GATEWAY CENTER  
420 FT. DUQUESNE BLVD, SUITE 1200  
PITTSBURGH PA 15222

In re Application of	:	
CHEMEL et al.	:	DECISION ON PETITION
Application No. 12/817425	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 5788-101675	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on July 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

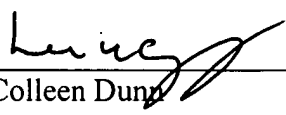


The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

For   
Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Robert A. Stevenson

Application No. 12817471

Filed: June 17, 2010

Attorney Docket No. GREATB-52447

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,542	06/17/2010	Yan ZHANG	11005.0280-01000	5775
22852 7590 08/25/2010 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER ADHAMI, MOHAMMAD SAJID	
			ART UNIT 2471	PAPER NUMBER
			MAIL DATE 08/25/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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**MAILED**

**AUG 24 2010**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400**

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

In re Application of:

ZHANG, YAN

Serial No.: 12/817,542

Filed: June 17, 2010

Docket Number: 11005.0280-01000

Title: METHOD AND APPARATUS FOR  
TRANSMITTING DATA

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102

This is a decision on the petition filed on June 17, 2010, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to M.P.E.P. §812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, the application retains its special status after the filing of an RCE.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3126.

/Chau Nguyen/  
Chau T. Nguyen  
Workgroup Quality Assurance Specialist  
Technology Center 2400  
Network, Multiplexing, Cable and Security

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Dirk Jan KOOTSTRA )  
Confirmation No.: 5788 )  
Serial No.: 12/817,549 )  
Filing Date: 06-17-2010 )  
Atty Docket No.: 226794-1/GEC-113 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to wind turbine rotor blades, and more particularly to blade joints for joining blade segments in wind turbine rotor blades. The size, shape, and weight of rotor blades are factors that contribute to energy efficiencies of wind turbines. An increase in rotor blade size increases the energy production of a wind turbine, while a decrease in weight also furthers the efficiency of a wind turbine. Furthermore, as rotor blade sizes grow, extra attention needs to be given to the structural integrity of the rotor blades. Presently, large commercial wind turbines in existence and in development are capable of generating from about 1.5 to about 12.5 megawatts of power. These larger wind turbines may have rotor blade assemblies larger than 90 meters in diameter. Additionally, advances in rotor

blade shape encourage the manufacture of a forward swept-shaped rotor blade having a general arcuate contour from the base to the tip of the blade, providing improved aerodynamics. Accordingly, efforts to increase rotor blade size, decrease rotor blade weight, and increase rotor blade strength, while also improving rotor blade aerodynamics, aid in the continuing growth of wind turbine technology and the adoption of wind energy as an alternative energy source.

As the size of wind turbines increases, particularly the size of the rotor blades, so do the respective costs of manufacturing, transporting, and assembly of the wind turbines. The economic benefits of increased wind turbine sizes must be weighed against these factors. For example, the costs of pre-forming, transporting, and erecting a wind turbine having rotor blades in the range of 90 meters may significantly impact the economic advantage of a larger wind turbine.

One known strategy for reducing the costs of pre-forming, transporting, and erecting wind turbines having rotor blades of increasing sizes is to manufacture the rotor blades in blade segments. After the individual blade segments are transported to the erection location, the blade segments are assembled using various mechanical fastening devices, such as bolts or rivets. However, mechanical fastening devices have a variety of disadvantages. For example, the use of mechanical fastening devices requires relatively more material for construction of the blade segments, which increases the size and the weight of the rotor blades, and also increases the amount of labor needed to assemble the wind turbine. Further, increases in size and weight caused by the use of mechanical fastening devices, result in additional stresses on the rotor



blades between the various blade segments and additional material stress and strain in the blade segment joining regions.

The embodiments described in the present invention facilitate a fastening system for wind turbine rotor blade segments that simplifies the assembly of the blade segments into a rotor blade, without sacrificing the structural rigidity and energy efficiencies of the wind turbine. By easing the known difficulties of the transportation and assembly of large rotor blades, the present invention materially contributes to the development of renewable energy by facilitating the production of larger rotor blades, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company  
By: /Allison W Mages/  
Allison Weiner Mages  
Reg. No. 57,275

Dated: July 7, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 248  
Shelton, CT 06484  
203-944-6730

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 226794-1/GEC-113 Application Number (if known): 12/817,549 Filing date: 06-17-2010

First Named Inventor: Dirk Jan KOOTSTRA

Title: WIND TURBINE ROTOR BLADE JOINT

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/

Date July 7, 2011

Name (Print/Typed) Allison W. Mages

Registration Number 57,275

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,549	06/17/2010	Dirk Jan Kootstra	226794-1/GEC-113	5788
87853	7590	07/15/2011	EXAMINER	
Dority & Manning, PA and General Electric Company			ART UNIT	
Post Office Box 1449			PAPER NUMBER	
Greenville, SC 29602			3745	
			MAIL DATE	DELIVERY MODE
			07/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
KOOTSTRA, DIRK JAN	:	DECISION ON PETITION
Application No. 12/817549	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 226794-1/GEC-113	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #4 and #8. In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to the green technologies. This is not convincing. It is not clear how the claimed blade joints will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Claims have nothing to do with energy generation.

In regard to item 8, petitioner should note that since the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is currently undergoing pre-examination processing. Upon completion, the application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist, TC 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Dirk Jan KOOTSTRA )  
Confirmation No.: 5788 )  
Serial No.: 12/817,549 )  
Filing Date: 06-17-2010 )  
Atty Docket No.: 226794-1/GEC-113 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 15 July 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Application's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The Decision to Make Special under the Green Technology Pilot Program (hereinafter "the Decision") alleges that it is not clear how the claimed blade joints for joining blade segments in wind turbine rotor blades would contribute to the development of renewable energy resources or energy conservation or greenhouse gas reduction. The Decision further alleges that the claimed blade joints have nothing to do with energy generation. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that the present invention is generally directed to wind turbine rotor blades, and more particularly to blade joints for joining blade segments in wind turbine rotor blades. (see at least paragraph [0001]).

Wind power is considered one of the cleanest, most environmentally friendly energy sources presently available, and wind turbines have gained increased attention in this regard. Generally, the construction of a modern rotor blade includes skin or shell components, spar caps, and one or more shear webs. The skin, typically manufactured from layers of fiber composite and a lightweight core material, forms the exterior aerodynamic foil shape of the rotor blade. The spar caps provide increased rotor blade strength by integrating one or more structural elements running along the length of the rotor blade on both interior sides of the rotor blade. Shear webs are structural beam-like components running essentially perpendicular between the top and bottom spar caps and extending across the interior portion of the rotor blade between the outer skins. Spar caps have typically been constructed from fiber reinforced composites, such as, for example, glass fiber reinforced composites or carbon fiber reinforced composites. (see at least paragraphs [0002]-[0003]).

The size, shape, and weight of rotor blades are factors that contribute to energy efficiencies of wind turbines. An increase in rotor blade size increases the energy production of a wind turbine, while a decrease in weight also furthers the efficiency of a wind turbine. Furthermore, as rotor blade sizes grow, extra attention needs to be given to the structural integrity of the rotor blades. Additionally, advances in rotor blade shape encourage the manufacture of a forward swept-shaped rotor blade having a general arcuate contour from the base to the tip of the blade, providing

improved aerodynamics. Accordingly, efforts to increase rotor blade size, decrease rotor blade weight, and increase rotor blade strength, while also improving rotor blade aerodynamics, aid in the continuing growth of wind turbine technology and the adoption of wind energy as an alternative energy source. (see at least paragraph [0004]).

As the size of wind turbines increases, particularly the size of the rotor blades, so do the respective costs of manufacturing, transporting, and assembly of the wind turbines. The economic benefits of increased wind turbine sizes must be weighed against these factors. For example, the costs of pre-forming, transporting, and erecting a wind turbine having rotor blades in the range of 90 meters may significantly impact the economic advantage of a larger wind turbine. One known strategy for reducing the costs of pre-forming, transporting, and erecting wind turbines having rotor blades of increasing sizes is to manufacture the rotor blades in blade segments. After the individual blade segments are transported to the erection location, the blade segments are assembled using various mechanical fastening devices, such as bolts or rivets. However, mechanical fastening devices have a variety of disadvantages. For example, the use of mechanical fastening devices requires relatively more material for construction of the blade segments, which increases the size and the weight of the rotor blades, and also increases the amount of labor needed to assemble the wind turbine. Further, increases in size and weight caused by the use of mechanical fastening devices result in additional stresses on the rotor blades between the various blade segments and additional material stress and strain in the blade segment joining regions. (see at least paragraphs [0005]-[0006]).



Embodiments disclosed herein are directed to a wind turbine rotor blade design that is particularly adaptable for larger wind turbines. Embodiments of the present invention minimize the associated transportation and assembly costs of the wind turbine without sacrificing the structural rigidity and energy efficiency of the wind turbine. More specifically, embodiments of the present invention disclose a fastening system for a wind turbine rotor blade segments that simplify the assembly of the blade segments into a rotor blade, and reduces the weights and stresses associated with the assembled motor blade. These measures facilitate the design, transportation, assembly and thus adoption of larger, more energy-producing wind turbines, and aid in more efficient and reliable operation of such wind turbines. This in turn drives down the cost of adoption and ownership of wind turbines, which increases the availability of wind energy as a viable power generating option, and thus promotes increased production of renewable energy.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages/  
Allison Weiner Mages  
Reg. No. 57,275

Dated: August 15, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,549	06/17/2010	Dirk Jan Kootstra	226794-1/GEC-113	5788
87853	7590	08/22/2011	EXAMINER	
Dority & Manning, PA and General Electric Company Post Office Box 1449 Greenville, SC 29602			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			08/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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AUG 22 2011

Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

1102 22 2011

In re Application of	:	
Dirk J. Kootstra	:	DECISION ON PETITION
Application No. 12/817,549	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 226794-1/GEC-113	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Jill Romie  
4620 NW 27th Terrace  
Gainesville FL 32605

**MAILED**

**MAY 23 2011**

**OFFICE OF PETITIONS**

In re Application of  
Jill Romie  
Application No. 12/817,580  
Filed: June 17, 2010

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 6, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 25, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010. The Notice of Abandonment was mailed March 9, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The required reply filed herewith petition is incomplete. The \$65 surcharge is due to complete the reply requirements.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:            Mail Stop PETITION  
                      Commissioner for Patents  
                      P. O. Box 1450  
                      Alexandria, VA 22313-1450

By hand:            U. S. Patent and Trademark Office  
                      Customer Service Window, Mail Stop Petitions  
                      Randolph Building  
                      401 Dulany Street  
                      Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Jill Romie  
4620 NW 27th Terrace  
Gainesville FL 32605

**MAILED**  
**JUN 29 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Jill Romie :  
Application No. 12/817,580 : **DECISION ON PETITION**  
Filed: June 17, 2010 :  
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 25, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010. The Notice of Abandonment was mailed March 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath, substitute specification, replacement drawings, \$65 surcharge and the \$270 search fee, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Eric Morgan Jacobsen )  
Confirmation No.: 5867 )  
Serial No.: 12/817,586 )  
Filing Date: 06-17-2010 )  
Atty Docket No.: 232997 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 5, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0551-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 232997	Application Number (if known): 12/817586	Filing date: 06-17-2010
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First Named Inventor: Eric Morgan Jacobsen

Title: WIND TURBINE BLADE ATTACHMENT CONFIGURATION WITH FLATTENED BOLTS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 01-05-2011

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,586	06/17/2010	Eric Morgan Jacobsen	232997/GEC-97	5867

87853 7590 01/12/2011  
Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville, SC 29602

EXAMINER
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ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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01/12/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
JACOBSEN, ERIC MORGAN	:	DECISION ON PETITION
Application No. 12/817,586	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 232997/GEC-97	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 6, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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CAROL WILSON  
BP AMERICA INC.  
150 WEST WARRENVILLE ROAD  
MC 200-1W  
NAPERVILLE IL 60563

**MAILED**  
**MAR 09 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Short :  
Application No. 12/817,616 : DECISION  
Filed/Deposited: 17 June, 2010 :  
Attorney Docket No. D1460-12C2 :

This is a decision on the petition filed on 3 January, 2012, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

**NOTE:**

The instant application went abandoned after midnight 20 September, 2011, for failure to reply to a non-final Office action.

Petitioner, as one registered to practice before the Office, is well aware that a request and submission of fees for extension of time after abandonment is inappropriate and improper.

Nonetheless, Petitioner made such a request and submission.

The fees are being refunded.

Should Petitioner later find that the fees were not refunded, Petitioner should submit a request for refund to the Office of Finance and include therewith a copy of this decision.

The Rules of Practice and the guidance in the Commentary in the MPEP provide protections and benefits for applicants and practitioners, however, those protections and benefits are unavailable when those rules are not complied with/followed.

Application No. 12/817,616

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c )(II).*

**BACKGROUND**

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Requirement for Restriction) mailed on 20 June, 2011, with reply due absent an extension of time on or 20 July, 2011.

The application went abandoned by operation of law after midnight 20 July, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 3 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee/fee authorization, a reply in the form of an Election and made the statement of unintentional delay.

The Office mailed the Notice of Abandonment on 27 January, 2012.

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c ) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>2, 3</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>4</sup>

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> See: *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>3</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under *Pratt*, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

<sup>4</sup> *In re Mattullath*, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), *aff'd*, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

As to Allegations of  
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

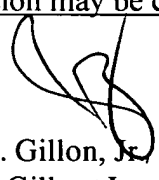
CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1637 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>5</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr.  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

<sup>5</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.





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MAIER & NEUSTADT LLP  
1940 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**  
**APR 04 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	DECISION
Larry E. Antonuk	:	ON PETITION
Application No. 12/817,634	:	
Filed: June 17, 2010	:	
Attorney Docket Number: 361236US20	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed June 17, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention and are not the only practical medium by which to disclose the subject matter sought to be patented in the utility application.

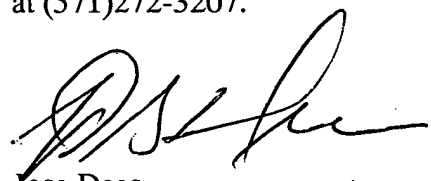
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2884 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Jose Dees', is written over the printed name.

Jose Dees  
Petitions Examiner  
Office of Petitions



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MILBANK, TWEED, HADLEY & MCCLOY LLP  
INTERNATIONAL SQUARE BUILDING  
1850 K STREET, N.W., SUITE 1100  
WASHINGTON DC 20006

**MAILED**  
**SEP 30 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Etcheberrigaray et al :  
Application No. 12/817,642 : ON PETITION  
Deposited: June 17, 2010 :  
Attorney Docket No. 17357.01009 :

This is in response to the petition filed July 1, 2010, entitled "PETITION UNDER 37 C.F.R. 1.57(a)" requesting that the above-referenced application be accorded a filing date of June 17, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on June 17, 2010. However, on June 29, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items or Notice to File Missing Parts (the signature page of inventor Rene Etcheberrigaray was missing from the declaration upon filing on June 17, 2010), instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of June 17, 2010, with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to June 17, 2010;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed July 1, 2010 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571) 272-3208.

  
Anthony Knight  
Director  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,653	06/17/2010	Bing Li	VWS-101US	6001
26875 7590 10/05/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER GONZALEZ, JULIO C	
			ART UNIT 2839	PAPER NUMBER
			MAIL DATE 10/05/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**WOOD, HERRON & EVANS, LLP**  
**2700 CAREW TOWER**  
**441 VINE STREET**  
**CINCINNATI OH 45202**

**In re Application of**

**LI et al**

**Application No.: 12/817,653**

**Filed: 17 June 2010**

**Attorney Docket No.: VWS-101US**

**For: METHOD FOR DETERMINING A**

**ROTOR POSITION OF AN**

**ELECTRICAL GENERATOR IN A**

**WIND TURBINE**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 16 August 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the DKPTO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DKPTO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the DKPTO application is a first action allowance then no office action from the DKPTO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the DKPTO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the requirements above.

Conditions (1), (2), and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims of the instant application sufficiently correspond to the allowable/patentable claims from the DKPTO application. Claims 13 and 14 of the instant application does not correspond to an allowable/patentable claim from the DKPTO application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies.

**NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with Document Description: Petition to make special under Patent Pros Hwy . Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components





# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,653	06/17/2010	Bing Li	VWS-101US	6001
26875 7590 12/14/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER GONZALEZ, JULIO C	
			ART UNIT 2839	PAPER NUMBER
			MAIL DATE 12/14/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**WOOD, HERRON & EVANS, LLP**  
**2700 CAREW TOWER**  
**441 VINE STREET**  
**CINCINNATI OH 45202**

**In re Application of**

**LI et al**

**Application No.: 12/817,653**

**Filed: 17 June 2010**

**Attorney Docket No.: VWS-101US**

**For: METHOD FOR DETERMINING A  
ROTOR POSITION OF AN  
ELECTRICAL GENERATOR IN A  
WIND TURBINE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 16 August 2010 and renewed 27 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the DKPTO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the DKPTO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DKPTO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the DKPTO application is a first action allowance then no office action from the DKPTO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the DKPTO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young  
TQAS - Technology Center 2800



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Robinson Intellectual Property Law Office,  
P.C.  
3975 Fair Ridge Drive  
Suite 20 North  
Fairfax VA 22033

**MAILED**  
**FEB 06 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Tsuchiya et al. :  
Application No. 12/817,663 : **ON PETITION**  
Filed: 06/17/2010 :  
Attorney Docket Number: 0756-8867 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on June 18, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner asserts that the use of color is necessary to show the luminance degradation clearly.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. Specifically, the claims are directed to the structure of the device, while the color drawings show experimental results. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.


Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2889.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

  
Douglas I. Wood  
Senior Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC 3056 PUS (81205117)

Application Number  
(if known): 12817703

Filing date: June 17, 2010

First Named  
Inventor: Fazal Urrahman Syed

Title: VEHICLE POWER SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin Stasa/

Date 2011-03-15

Name Benjamin Stasa  
(Print/Typed)

Registration Number 55644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,703	06/17/2010	Fazal Urrahman Syed	81205117	6105
28395 7590 03/29/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER ASSOUAD, PATRICK J	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 03/29/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
SYED et al.	:	DECISION ON PETITION
Application No. 12/817,703	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81205117	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

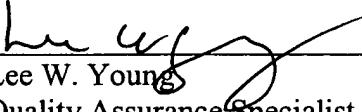
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC 2856 PUS (81194016)

Application Number  
(if known): 12817711

Filing date: June 17, 2010

First Named  
Inventor: Fazal Urrahman Syed

Title: VEHICLE SOLAR PANEL ARRAY WITH HIGH VOLTAGE OUTPUT

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin Stasa/

Date 2011-03-15

Name Benjamin Stasa  
(Print/Typed)

Registration Number 55,644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,711	06/17/2010	Fazal Urrahman Syed	81194016	6125
28395 7590 03/30/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER OLSZEWSKI, JOHN	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 03/30/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**MAR 30 2011**

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
Fazal Urrahman SYED	:	DECISION ON PETITION
Application No. 12/817,711	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. FMC 2856 PUS (81194016)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

/Lanna Mai/

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Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 15650-000002/US

Application Number  
(if known): 12/817,807

Filing date: June 17, 2010

First Named  
Inventor: Mahendra Dassanayake et al.

Title: OPTO-THERMAL SOLUTION FOR MULTI-UTILITY SOLID STATE LIGHTING DEVICE USING CONIC SECTION GEOMETRIES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

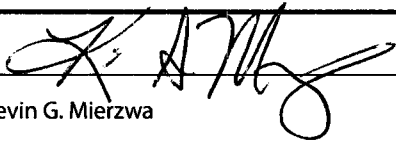
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: MATERIALITY STATEMENT

Signature



Date June 29, 2011

Name  
(Print/Typed) Kevin G. Mierzwa

Registration Number 38,049

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 2 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 12/817,807

Confirmation No.: 6367

Filing Date: 06/17/2010

Applicant: Mahendra Dassanayake et al.

Group Art Unit: 2875

Examiner: Not yet assigned

Title: OPTO-THERMAL SOLUTION FOR MULTI-UTILITY SOLID STATE  
LIGHTING DEVICE USING CONIC SECTION GEOMETRIES

Attorney Docket: 15650-000002/US

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**MATERIALITY STATEMENT**

Sir:

The present patent application is directed to a configuration for a light bulb that uses light-emitting diodes as the light source. The use of light-emitting diodes significantly reduces the amount of energy used for a desired light output. The amount of energy is reduced compared to conventional filament bulbs as well as compact fluorescent bulbs. Therefore, the present application materially contributes to energy conservation.

Respectfully submitted,

Dated: June 29, 2011

By:   
Kevin G. Mierzwa, Reg. No. 38,049

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

KGM/tp



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,807	06/17/2010	Mahendra Dassanayake	15650-000002/US	6367
27572 7590 07/06/2011 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			07/06/2011	PAPER

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

In re Application of	:	
DASSANAYAKE et al.	:	DECISION ON PETITION
Application No. 12/817,807	:	TO MAKE SPECIAL UNDER
Filed: June 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 15650-000002/US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

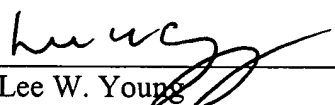
The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy. The claims do not limit the light sources to LEDs. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy. Any argument that the claimed invention can be used with LEDs is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Favorable consideration would be given if the claims were amended to specifically require the light sources to be LEDs.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**RENEWED**

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket  
Number: 15650-000002/US

Application Number  
(if known): 12/817,807

Filing date: June 17, 2010

First Named  
Inventor: Mahendra Dassanayake et al.

Title: OPTO-THERMAL SOLUTION FOR MULTI-UTILITY SOLID STATE LIGHTING DEVICE USING CONIC SECTION GEOMETRIES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

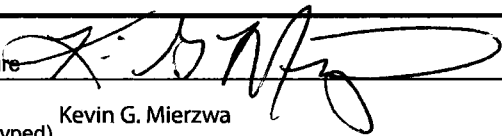
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: MATERIALITY STATEMENT

Signature



Date July 18, 2011

Name  
(Print/Typed) Kevin G. Mierzwa

Registration Number 38,049

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 2 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 12/817,807

Confirmation No.: 6367

Filing Date: 06/17/2010

Applicant: Mahendra Dassanayake et al.

Group Art Unit: 2875

Examiner: Not yet assigned

Title: OPTO-THERMAL SOLUTION FOR MULTI-UTILITY SOLID STATE  
LIGHTING DEVICE USING CONIC SECTION GEOMETRIES

Attorney Docket: 15650-000002/US

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**MATERIALITY STATEMENT**

Sir:

The present patent application is directed to a configuration for a light bulb that uses light-emitting diodes as the light source. The use of light-emitting diodes significantly reduces the amount of energy used for a desired light output. The amount of energy is reduced compared to conventional filament bulbs as well as compact fluorescent bulbs. Therefore, the present application materially contributes to energy conservation.

Respectfully submitted,

Dated: July 18, 2011

By:   
Kevin G. Mierzwa, Reg. No. 38,049

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

KGM/tp





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,807	06/17/2010	Mahendra Dassanayake	15650-000002/US	6367
27572 7590 08/04/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			08/04/2011	PAPER

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

8/4/11

In re Application of	:	
Dassanayake et al.	:	
Application No. 12/817,807	:	DECISION ON PETITION
Filed: 6/17/2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 15650-000002/US	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 7/18/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,819	06/17/2010	Sung Jun Park	8737.312.20	6390

30827 7590 08/17/2010  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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ART UNIT	PAPER NUMBER
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2473

MAIL DATE	DELIVERY MODE
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08/17/2010

PAPER

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MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

In re Application of: PARK, SUNG JUN et al.  
Application No. 12817819  
Filed: June 17, 2010  
For: METHOD OF ALLOCATING RADIO  
RESOURCES IN A WIRELESS  
COMMUNICATION SYSTEM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

**MAILED**

AUG 17 2010

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2010, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the

claims were published in a language other than English); and (c) a statement that the English translation is accurate.

- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.
- (6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition failed to meet the requirements of item (1) above, because the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, and Applicant failed to identify the relationship between the two applications.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Hassan Kizou/

---

Hassan Kizou  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,819	06/17/2010	Sung Jun Park	8737.312.20	6390

30827	7590	09/03/2010
MCKENNA LONG & ALDRIDGE LLP		
1900 K STREET, NW		
WASHINGTON, DC 20006		

EXAMINER

ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
09/03/2010	PAPER

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MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

In re Application of: PARK, SUNG JUN et al.  
Application No. 12817819  
Filed: June 17, 2010  
For: METHOD OF ALLOCATING RADIO  
RESOURCES IN A WIRELESS  
COMMUNICATION SYSTEM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2010, and renewed August 26, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the



claims were published in a language other than English); and (c) a statement that the English translation is accurate.

- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.
- (6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition were previously dismissed for failing to identify the relationship between the KIPO application that contains the allowable/patentable claims and the application for which priority is claimed in the U.S. application. The renewed request has corrected this deficiency. The request to participate in the PPH program and petition are now found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

---

Hassan Kizou  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,885	06/17/2010	Tatsuro Sakamoto	6639P967	6527

7590 01/06/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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ART UNIT	PAPER NUMBER
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2484

MAIL DATE	DELIVERY MODE
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01/06/2011

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)  
*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,885	06/17/2010	Tatsuro Sakamoto	6639P967	6527

7590 01/06/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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ART UNIT	PAPER NUMBER
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2484

MAIL DATE	DELIVERY MODE
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01/06/2011

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nimi Armes*  
Patent Publication Branch  
Office of Data Management

Adjustment date: 4/26/2011 NPH:MEV  
30/20/2011 0000-15: 020015 12017000  
32 FC:111 240.20 US



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,915	06/17/2010	Norman Baer	17979-0199001 / P17508US	6583
26161 7590 09/01/2010 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER GLICK, EDWARD J				
ART UNIT		PAPER NUMBER		
2882				
NOTIFICATION DATE		DELIVERY MODE		
09/01/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



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**FISH & RICHARDSON PC**  
**P.O. BOX 1022**  
**MINNEAPOLIS MN 55440-1022**

**In re Application of**  
**Norman BAER**

**Application No.: 12/817,915**

**Filed: 17 June 2010**

**Attorney Docket No.: 17979-0199001 / P17508US**

**For: OPTICAL ELEMENT**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 07 July 2010 and supplemented on 28 July 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

1.

The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA, or
  - ii. validly claims priority to a PCT application that contains no priority claims,or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the DPMA, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim,or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the DPMA, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DPMA application(s), and
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s), and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
    - ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
  - b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1) and (4-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet conditions (2) or (3).

Regarding the requirement of conditions (2) and (3), the copy of the allowed claims from the DPMA application contained 16 claims whereas the instant application contains 17 claims. Applicant must provide a copy and translation of all 17 claims from the DPMA application or claim 17 of the instant application must be cancelled to ensure that all claims of the instant application sufficiently correspond to the allowed/patentable claims of the DPMA application.


Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS

submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,915	06/17/2010	Norman Baer	17979-0199001 / P17508US	6583
26161 7590 10/29/2010 FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
GLICK, EDWARD J				
ART UNIT		PAPER NUMBER		
2882				
NOTIFICATION DATE		DELIVERY MODE		
10/29/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com





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**FISH & RICHARDSON PC  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022**

**In re Application of  
Norman BAER  
Application No.: 12/817,915  
Filed: 17 June 2010  
Attorney Docket No.: 17979-0199001 / P17508US  
For: OPTICAL ELEMENT**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 07 July 2010, supplemented on 28 July 2010 and renewed on 30 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA, or
    - ii. validly claims priority to a PCT application that contains no priority claims,
  - or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the DPMA, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,
  - or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the DPMA, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DPMA application(s), and
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s), and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
    - ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
  - b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

**MAILED**  
**MAY 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
**Everett McElroy** :  
Application No. 12/817,926 : **DECISION ON PETITION**  
Filed: June 17, 2010 :  
Attorney Docket No. 58523.0100 :

This is a decision on the petition, filed March 1, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed June 29, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment has not yet been mailed.

Petitioner asserts that the Notice dated June 29, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the Notice of June 29, 2010, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

- (1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
- (2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.
- (3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A)

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy items (1) and (3) of the above-stated requirements.

By Mail:            Mail Stop PETITION  
                         Commissioner for Patents  
                         P. O. Box 1450  
                         Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By facsimile: **(571) 273-8300**  
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

*/Ramesh Krishnamurthy/*  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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**MAILED**

**AUG 01 2011**  
**OFFICE OF PETITIONS**

SNELL & WILMER L.L.P. (Main)  
400 EAST VAN BUREN  
ONE ARIZONA CENTER  
PHOENIX AZ 85004-2202

In re Application of	:	
<b>Everett McElroy</b>	:	
Application No. 12/817,926	:	DECISION ON PETITION
Filed: June 17, 2010	:	
Attorney Docket No. 58523.0100	:	

This is a decision on the renewed petition, filed July 11, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed June 29, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment has not yet been mailed.

Petitioner asserts that the Notice dated June 29, 2010, was not received.

Petitioner still has not shown the burden of proof to established nonreceipt of the June 29, 2010, Office action. As stated in the previous decision of May 18, 2011, it is petitioner responsibility to show that the Office action was in fact never received and this presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

- (1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
- (2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.
- (3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A)

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition still fails to satisfy items (3) of the above-stated requirements.





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Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By facsimile: **(571) 273-8300**  
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

*/Ramesh Krishnamurthy/*  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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**MAILED**

SEP 16 2011

OFFICE OF PETITIONS

In re Application of	:	
<b>Everett McElroy</b>	:	
Application No. 12/817,926	:	ON PETITION
Filed: June 17, 2010	:	
Attorney Docket No. <b>58523.0100</b>	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed June 29, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on August 30, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,965	06/17/2010	Gregory M. Evans	1199-034	6689
27820 7590 08/12/2010 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER YAO, KWANG BIN	
			ART UNIT 2473	PAPER NUMBER
			MAIL DATE 08/12/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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WITHROW & TERRANOVA, P.L.L.C.  
100 REGENCY FOREST DRIVE  
SUITE 160  
CARY NC 27518

In re Application of: EVANS, GREGORY et al.  
Serial No.: 12817965  
Filed: June 17, 2010  
Docket: 1199-034  
For: METHOD AND SYSTEM FOR BANDWIDTH  
MANAGEMENT

**MAILED**

**AUG 12 2010**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on June 17, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

**REGULATION AND PRACTICE**

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1-5.3, II 6.1 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)<sup>1</sup> and items II.5 above. The pre-examination search document provided with the instant petition is deficient as follows:

The claimed invention deals with controlling bandwidth usage, which is to say controlling data transmission in a network; the search should therefore have additionally included class 370, subclass 230 (*control of data transmission to a network*), and subclass 235 (*flow control of data transmission through a network*.) Claim 1 (for example) specifies that the mobile receives data that identifies a maximum bandwidth rate and claims 6 and 7 (for example) specify exchange of messages between network elements for the purpose of controlling bandwidth rates; the search should therefore have additionally included class 370, subclass 236 (*flow control of data transmission through a network including signaling between network elements*.) Claims 5-7 (for example) specify the use of alternate bandwidth providers; the search should therefore have additionally included class 370, subclass 237 (*congestion based routing*) and class 379, subclass 220.01 (*alternate routing*) and subclass 221.02 (*service provider selection*.)

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5-5.3 above, and the Preexamination Search Document must be amended to indicate such; and the Accelerated Examination support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

## DECISION

For the above-stated reason, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a))

---

from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Hassan Kizou, Quality Assurance Specialist, at (571) 272-33088. A second point of contact is QAS Kim Huynh whose number is (571)-272-4147.

/Hassan Kizou/  
Hassan Kizou  
Quality Assurance Specialist  
Technology Center 2400





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,965	06/17/2010	Gregory M. Evans	1199-034	6689
27820 7590 10/27/2010 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER YAO, KWANG BIN	
			ART UNIT 2473	PAPER NUMBER
			MAIL DATE 10/27/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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WITHROW & TERRANOVA, P.L.L.C.  
100 REGENCY FOREST DRIVE  
SUITE 160  
CARY NC 27518

In re Application of: EVANS, GREGORY et al.  
Serial No.: **12817965**  
Filed: June 17, 2010  
Docket: **1199-034**  
For: METHOD AND SYSTEM FOR BANDWIDTH  
MANAGEMENT

**MAILED**

**OCT 27 2010**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the renewed petition filed on September 10, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The original petition, filed on June 17, 2010 was dismissed in the decision mailed on August 12, 2010 for failing to meet the requirements of conditions II 5.2 Specifically, the pre-examination search document was found deficient because it did not include the following relevant search areas: class 370, subclass 230 (*control of data transmission to a network*), subclass 235 (*flow control of data transmission through a network*), subclass 236 (*flow control of data transmission through a network including signaling between network elements*) and subclass 237 (*congestion based routing*) as well as class 379, subclass 220.01 (*alternate routing*) and subclass 221.02 (*service provider selection.*)

The renewed petition filed in response to the dismissal of the original petition has been considered and found to meet requirements of Condition II 5.2; the revised Pre-Examination Search Document and Examination Support Document have been updated.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323)

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application

will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Hassan Kizou, Quality Assurance Specialist, at (571) 272-33088. A second point of contact is QAS Kim Huynh whose number is (571)-272-4147.

/Hassan Kizou/  
Hassan Kizou  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/817,992	06/17/2010	Toshikazu SHIROISHI	SUTOSH.630AUS	6736
7590 11/21/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER DESAI, NIDHI	
			ART UNIT	PAPER NUMBER
			2835	
			NOTIFICATION DATE	DELIVERY MODE
			11/21/2011	ELECTRONIC

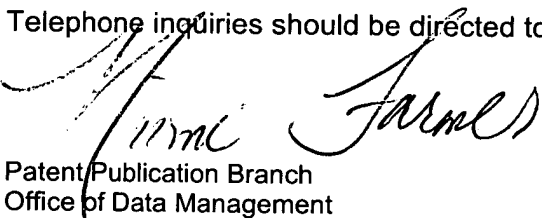
**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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FISH & ASSOCIATES, PC  
ROBERT D. FISH  
2603 Main Street  
Suite 1000  
Irvine CA 92614-6232

**MAILED**  
**MAY 20 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Agostino Sibillo  
Application No. 12/817,994  
Filed: June 17, 2010  
Attorney Docket No. **101847.0001US1**

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert D. Fish or any attorneys/agents associated with Customer Number 24392 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**APR 11 2011**

**OFFICE OF PETITIONS**

Casimir Jones, S.C.  
2275 DEMING WAY, SUITE 310  
MIDDLETON WI 53562

In re Application of :  
Paul et al. : DECISION ON PETITION  
Application No. 12/818,027 : PURSUANT TO  
Filed: June 17, 2010 : 37 C.F.R. § 1.57(A)  
Attorney Docket No. GLAWE-31460 :  
/US-2/ORD :  
Title: ARRANGEMENT FOR DETERMINING :  
THE PRESSURE IN AN UNDERCARRIAGE :  
TYRE OF AN AIRCRAFT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.57(a), filed on January 5, 2011, requesting that a single sheet of drawings containing two figures be accorded a filing date of June 17, 2010.

This petition is **DISMISSED AS UNNECESSARY**.

Application papers in the above-identified application were filed on June 17, 2010. On January 5, 2011, Applicant submitted this petition, where it is set forth that a single sheet of drawings was inadvertently omitted on submission of the present application. Applicant's petition is being construed to contain an argument that the inadvertently omitted drawings were constructively present on filing, due to a benefit claim that was present on filing.

This petition was accompanied by an amendment, directing the entry of the drawings filed concurrently therewith.

Receipt of the \$400 petition fee is acknowledged.

37 C.F.R. § 1.57(a) sets forth, *in pertinent part*:

Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international



application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

<>

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

<>

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

<>

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The petition is dismissed because the application as filed was entitled to a filing date even if drawings were not present in the application: see MPEP § 601.01(f). Whether done in error or not, the proper filing date was given to the present application. Thus, a petition under Rule 1.57(a) is not the proper vehicle to achieve Petitioner's goal.

Since a petition is not required, the amendment filed January 5, 2011 to include the inadvertently omitted drawings will be considered by the examiner in due course. Please note that this amendment must comply with 37 C.F.R. §§ 1.57(a) and 1.121. See MPEP § 201.17.

Given the basis for granting this petition, the petition fee is being refunded.

Entry of the amendment filed January 5, 2011 will be determined by the examiner in due course.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for an indication in Office records, as appropriate, that "0" drawings were present on filing.

The filing date of this application will remain June 17, 2010.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over a horizontal line.

Anthony Knight  
Director  
Office of Petitions



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P.O. Box 1450

**TUROC & WATSON, LLP**  
**127 Public Square**  
**57th Floor, Key Tower**  
**CLEVELAND OH 44114**

**MAILED**  
**JUL 06 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
George Darryl BLANKENSHIP et al. : ON PETITION  
Application No. 12/818,061 :  
Filed: June 17, 2010 :  
Atty. Docket No.: 2001-010-US-2/LINCP105USA

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed March 2, 2011, which set a shortened period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned June 3, 2011. A Notice of Abandonment was mailed June 16, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice of Allowance and Fee(s) Due, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management for further processing.

Anthony Knight  
Director  
Office of Petitions



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DONALD W. MEEKER  
924 EAST OCEAN FRONT  
# E  
NEWPORT BEACH CA 92661

In re Application of

Fishon, et al.

Application No. 12/818,074

Filed: June 17, 2010

Attorney Docket No. **FISHONBROMLEY**

**MAILED**

**AUG 25 2011**

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition under 37 CFR 1.1.137(b) filed on August 15, 2011, to revive the above-cited application.

The petition is **DISMISSED**.

The above-cited application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed June 29, 2010, which set a shortened period for reply of two months from its mailing date. A response was not received within the allowable period. The application became abandoned on October 30, 2010. A Notice of Abandonment was mailed on June 22, 2010.

The instant petition was filed on August 15, 2011.

The petition will not be treated on its merits at this juncture because it is not signed by all of the necessary parties. Further to this point, 37 CFR 1.33(b) provides, in pertinent part that:

b) *Amendments and other papers*. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition, as filed on August 15, 2011, is defective because it is only signed by inventor Fishon, but there is an additional joint inventor named in the application. The renewed petition must be signed by either all the named joint inventors, an attorney of record in the application, or a representative of the assignee that is empowered by 37 CFR 3.73(b). Additionally, any amendments or responses to Office actions must be signed by one of the parties set forth in 37 CFR 1.33(b) above.

**NO ADDITIONAL PETITION FEES ARE REQUIRED.**

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

cc:  
Todd D. Fishon  
201 Raven View Lane  
Lewisburg, WV 24901



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**MAILED**

**NOV 01 2011**

**OFFICE OF PETITIONS**

Todd D. Fishon  
201 Raven View Lane  
Lewisburg WV 24901

In re Application of	:	
Fishon, et al.	:	
Application No. 12/818,074	:	ON PETITION
Filed: June 17, 2010	:	
Attorney Docket No. FISHONBROMLEY	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed June 29, 2010, which set a shortened period for reply of two months from its mailing date. A response was not received within the allowable period. The application became abandoned on October 30, 2010. A Notice of Abandonment was mailed on June 22, 2010.

The replacement drawings filed August 15, 2011, are noted.

The "Power of Attorney and Correspondence Address Indication Form", filed August 15, 2011, is noted and made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

Docket No.: 246252001400  
Client Reference No.: 31399US-2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Joeseeph C. MCAULIFFE et al.

Application No.: 12/818,090

Confirmation No.: 6973

Filed: June 17, 2010

Art Unit: 1771

For: FUEL COMPOSITIONS COMPRISING  
ISOPRENE DERIVATIVES

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Examiner: E. McAvoy

**STATEMENT OF SPECIAL STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status is being submitted with and in support of a Petition to Make Special under the Green Technology Pilot Program.

The claims of the present application recite methods for producing fuel constituents using biologically produced isoprene. Pending claim 1 currently recites:

Claim 1 (original): A method for producing a fuel constituent from a bioisoprene composition comprising chemically transforming a substantial portion of the isoprene in the bioisoprene composition to non-isoprene compounds by:

- (a) subjecting the bioisoprene composition to heat or catalytic conditions suitable for isoprene dimerization to produce an isoprene dimer and then catalytically hydrogenating the isoprene dimer to form a saturated C10 fuel constituent; or

(b) (i) partially hydrogenating the bioisoprene composition to produce an isoamylene, (ii) dimerizing the isoamylene with a mono-olefin selected from the group consisting of isoamylene, propylene and isobutene to form a dimate and (iii) completely hydrogenating the dimate to produce a fuel constituent.

As set forth in the present application, isoprene can be used to make rubber, biofuels, etc. While isoprene can be obtained by fractionating petroleum, the purification of this material is expensive, time-consuming, energy-consuming and generates pollution. The specification describes ways of biologically engineering cells so that they can produce isoprene in a more efficient, clean, and renewable manner. Thus, the present invention materially contributes to “the more efficient utilization and conservation of energy resources.”

Applicants submit that the present invention meets the eligibility requirements under the Green Technology Pilot Program (GTPP) because it materially contributes to (1) the development of renewable energy resources and (2) reduction of greenhouse gas emission. *See* 74 F.R. 64666, 64667, middle column – 64668, left column. Therefore, the present application meets the materiality standard under the GTPP. Accordingly, Applicants submit that the application is eligible for the program and respectfully request that the Office grant their Petition to Make Special under the Green Technology Pilot Program.



In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.

**246252001400**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 6, 2012

Respectfully submitted,

Electronic signature: /Terri Shieh-Newton/  
Terri Shieh-Newton

Registration No.: 47,081  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5777

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM			
Attorney Docket Number:	246252001400	Application Number (if known): 12/818,090	Filing date: June 17, 2010
First Named Inventor:	Joseph C. MCAULIFFE		
Title:	FUEL COMPOSITIONS COMPRISING ISOPRENE DERIVATIVES		
<b>APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.</b>			
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.			
1. By filing this petition:			
<b><u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.</b>			
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.			
3. This request is accompanied by statements of special status for the eligibility requirement.			
4. The application contains no more than three (3) independent claims and twenty (20) total claims.			
5. The application does not contain any multiple dependent claims.			
6. Other attachments: Statement of the Basis for the Special Status			

Signature	/Terri Shieh-Newton/	Date	January 6, 2012
Name (Print/Typed)	Terri Shieh-Newton	Registration Number	47,081
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			



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P.O. Box 1450  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,090	06/17/2010	Joseph C. MCAULIFFE	246252001400	6973
25226 7590 01/31/2012 MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			EXAMINER MCAVOY, ELLEN M	
			ART UNIT 1771	PAPER NUMBER
			NOTIFICATION DATE 01/31/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EOfficePA@mofo.com  
drcaldwell@mofo.com  
PatentDocket@mofo.com



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MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO CA 94304-1018

JAN 31 2012

In re Application of	:	
McAuliffe et al.	:	DECISION ON PETITION
Application No. 12/818,090	:	TO MAKE SPECIAL UNDER
Filed: 6/17/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 246252001400	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/6/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

NIXON PEABODY LLP  
401 Ninth Street, N.W.  
Suite 900  
WASHINGTON DC 20004

**MAILED**

**OCT 01 2010**

**OFFICE OF PETITIONS**

In re Application of  
Andrew Shirey et al.  
Application No. 12/818,135  
Filed: June 17, 2010  
Attorney Docket No. 002566-067000

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD VA 22116**

**MAILED**

**OCT 04 2010**

**OFFICE OF PETITIONS**

In re Application of  
Richard Lee-Chee KUO  
Application No. 12/818,159  
Filed: June 18, 2010  
Attorney Docket No. **IVSP0104USA**

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **KLEIN, O'NEILL & SINGH, LLP  
18200 VON KARMAN AVENUE  
SUITE 725  
IRVINE CA 92612**





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,167	06/18/2010	Jason David Kerr	OWM-001	7124
53014 7590 11/22/2010 Clause Eight Intell. Prop. Service P.O Box 131270 Carlsbad, CA 92013				
EXAMINER				
ART UNIT PAPER NUMBER				
3629				
MAIL DATE DELIVERY MODE				
11/22/2010 PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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NOV 22 2010

CLAUSE EIGHT INTELL. PROP. SERVICE  
P.O BOX 131270  
CARLSBAD CA 92013

In re application of: : **DECISION ON PETITION**  
KERR, Jason David, et al. : **TO MAKE SPECIAL FOR**  
Application No. 12/818,167 : **NEW APPLICATION**  
Filed: June 18, 2010 : **UNDER 37 CFR 1.102**  
For: PROCESS TO OPTIMIZE A PERSON'S  
PROFILE INTO A STANDARDIZED  
COMPETENCY PROFILE

This is a decision on the petition filed on June 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications

under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1 - II.5.2.

As to Condition II.5.1, while applicant has searched certain relevant sources of non-patent literature, the Accelerated Examination program has provided search templates indicating recommended non-patent literature sources based on the classification of the application. See the search templates for Class 705 at: <http://www.uspto.gov/web/patents/searchtemplates/class705.htm>

Applicant may satisfy this requirement by employing the recommended non-patent literature sources in an updated search, or by providing a sufficient justification statement explaining that no references more pertinent than those already identified are likely to be found in the eliminated sources. For the purposes of the search templates, this application is considered to be classified in 705/1, the predecessor to current subclass 705/321.

As to Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. The Support Document asserts patentability for certain claim features, however, the text search queries do not appear to address each of these features. For example, patentability is asserted for searching a person's profile information for a location string including at least one of zip code among other location information; for generating a location attribute from the location string of the profile; for searching the profile for experience duration in various forms; for generating job transition attributes; and for generating an optimized competency profile comprising various attributes. These features were not specifically developed in the search strategies listed in the Search Document.

Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following website: <http://www.uspto.gov/web/patents/accelerated/>

## DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert A. Weinhardt', is written over a horizontal line.

Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/11/20/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,167	06/18/2010	Jason David Kerr	OWM-001	7124
53014 7590 01/25/2011 Clause Eight Intell. Prop. Service P.O. Box 131270 Carlsbad, CA 92013			EXAMINER	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 01/25/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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P.O BOX 131270  
CARLSBAD CA 92013

In re application of: : **DECISION ON PETITION**  
KERR, Jason David, et al. : **TO MAKE SPECIAL FOR**  
Application No. 12/818,167 : **NEW APPLICATION**  
Filed: June 18, 2010 : **UNDER 37 CFR 1.102**  
For: PROCESS TO OPTIMIZE A PERSON'S  
PROFILE INTO A STANDARDIZED  
COMPETENCY PROFILE

This is a decision on the petition filed on June 18, 2010 and the updated Accelerated Examination Search Document filed December 21, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach

the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new



claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert Weinhardt', is written over a horizontal line.

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/1/24/11

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

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**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY  
OFFICE (KIPO) AND THE USPTO**

Application No.:	12/818,222-Conf. #7262	Filing Date:	June 18, 2010
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First Named Inventor:	Elin R. Pedersen
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Title of the  
Invention: USER INTERFACE VISUALIZATIONS

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS  
MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBC/DFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-  
IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/03896

**The international date of the corresponding  
PCT application(s) is/are:** June 17, 2010

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached.

☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_

**(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

# **REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.:	12/818,222-Conf. #7262
First Named Inventor:	Elin R. Pedersen

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claims 2-3	Claim 1 has been amended to incorporate the features of claims 2-3 of the PCT
Claim 2*		Claim 2 in the U.S. application has been cancelled
Claim 3*		Claim 3 in the U.S. application has been cancelled
Claim 4	Claim 4	Claim 4 has been rewritten into independent form
Claim 5	Claim 5	Claim 5 has been rewritten into independent form
Claim 6	Claim 6	Identical
Claim 7	Claim 7	Identical
Claim 8	Claim 8	Identical
Claim 9	Claim 9	Identical
Claim 10	Claim 10	Identical
Claim 11	Claims 12-13	Claim 11 has been amended to incorporate the features of claims 12-13 of the PCT
Claim 12*		Claim 12 in the U.S. application has been cancelled
Claim 13*		Claim 13 in the U.S. application has been cancelled
Claim 14	Claim 14	Claim 14 has been rewritten into independent form
Claim 15	Claim 15	Claim 15 has been rewritten into independent form
Claim 16	Claim 16	Identical
Claim 17	Claim 23	Claim 17 has been amended to incorporate the features of claim 23 of the PCT
Claim 18	Claim 18	Claim 18 has been rewritten into independent form
Claim 19	Claim 19	Claim 19 has been rewritten into independent form
Claim 20	Claim 20	Identical
Claim 21	Claim 21	Identical
Claim 22	Claim 22	Identical
Claim 23		Claim 23 in the U.S. application has been cancelled

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	/Andrew T. Zidel/	Date	March 16, 2011
Name (Print/Typed)	Andrew T. Zidel	Registration Number	45,256

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: March 16, 2011

Electronic Signature for Andrew T. Zidel: /Andrew T. Zidel/



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,222	06/18/2010	Elin R. Pedersen	GOOGLE 3.0-064	7262
78792	7590	04/22/2011	EXAMINER	
GOOGLE Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090			ART UNIT	PAPER NUMBER
			2173	
			MAIL DATE	DELIVERY MODE
			04/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GOOGLE  
Lerner, David, Littenberg, Krumholz & Mentlik, LLP  
600 South Avenue West  
Westfield NJ 07090

In re Application of: PEDERSEN et al.  
Application No. 12/818,222  
Atty Docket #: **GOOGLE 3.0-064**  
Filed: June 18, 2010  
For: **USER INTERFACE VISUALIZATIONS**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY PROGRAM  
AND PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed March 16, 2011 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Note: The Request for participation in the PCT-PPH Pilot Program lists the corresponding PCT application as PCT/US2010/03896. However, based on the documents submitted along with the request, it is determined that this should have been PCT/US2010/038946.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements, based on the above note. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210





# UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,229	06/18/2010	Dai TSUGAWA	520.50855X00	7279

7590 12/28/2011  
ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER
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HAN, YOUNGHUIE JESSICA

ART UNIT	PAPER NUMBER
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2838

MAIL DATE	DELIVERY MODE
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12/28/2011

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mime Farnes*

Patent Publication Branch  
Office of Data Management

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/818,232	Filing date:	June 18, 2010
First Named Inventor:	Lin CHENG		
Title of the Invention:	VERTICAL JUNCTION FIELD EFFECT TRANSISTORS AND DIODES HAVING GRADED DOPED REGIONS AND METHODS OF MAKING		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/039106

**The international filing date of the corresponding PCT application(s) is/are:**

June 18, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/818,232
First Named Inventor:	Lin CHENG

- ☐ **WORKSHEET, WORKSHEET**  
Is attached

☒ Has already been filed in the above-identified U.S. application on February 1, 2011

- ☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on February 1, 2011

[illegible]

Signature /Christopher W. Raimund/	Date February 23, 2011
Name (Print/Typed) Christopher W. Raimund	Registration Number 47,258

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**WHAT IS CLAIMED IS:**

1. A semiconductor device comprising:

an n-type semiconductor substrate;

a drift layer of n-type semiconductor material on the substrate;

a plurality of gate regions of p-type semiconductor material each having a graded dopant concentration on the drift layer, the gate regions having a lower surface adjacent the drift layer, an upper surface opposite the lower surface and sidewalls, wherein the dopant concentration in a lower portion of the gate regions adjacent the lower surface is less than the dopant concentration in an upper portion of the gate regions adjacent the upper surface;

a channel layer of n-type semiconductor material on and between the plurality of gate regions in a central portion of the device, wherein the second layer of n-type semiconductor material covers the plurality of regions of p-type semiconductor material in the central portion of the device, and wherein one or more gate regions are not covered by the channel layer in an inner peripheral portion of the device;

a source layer of n-type semiconductor material on the channel layer;

a first ohmic contact on the source layer;

a second ohmic contact on one or more of the exposed gate regions in the peripheral portion of the device;

a third ohmic contact on the substrate opposite the drift layer; and

a metal layer on each of the first, second and third ohmic contacts.

2. The semiconductor device of Claim 1, wherein the dopant concentration in the upper portion of the gate regions is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the gate regions is less than  $1 \times 10^{17}/\text{cm}^3$ .

3. The semiconductor device of Claim 1, wherein the dopant concentration in the gate regions varies in a stepped manner.
4. The semiconductor device of Claim 1, wherein the dopant concentration in the gate regions varies in a continuous manner.
5. The semiconductor device of Claim 1, wherein the semiconductor material of the substrate, the drift layer, the gate regions, the channel layer and the source layer comprises SiC.
6. The semiconductor device of Claim 1, wherein the gate regions have a thickness of at least 0.5  $\mu\text{m}$ .
7. The semiconductor device of Claim 1, wherein the channel layer has a dopant concentration of  $1 \times 10^{15}/\text{cm}^3$  to  $1 \times 10^{18}/\text{cm}^3$ .
8. The semiconductor device of Claim 1, wherein the drift layer has a dopant concentration of  $1 \times 10^{14}/\text{cm}^3$  to  $5 \times 10^{16}/\text{cm}^3$ .
9. The semiconductor device of Claim 1, wherein the source layer has a dopant concentration of at least  $1 \times 10^{19}/\text{cm}^3$ .
10. The semiconductor device of Claim 1, further comprising a plurality of rings of p-type semiconductor material on the drift layer in an outer peripheral portion of the device, wherein each of the rings circumscribes the central and inner peripheral portions of the device, wherein the rings have a lower surface adjacent the drift layer and an upper surface opposite the lower surface, and wherein the dopant concentration in a lower portion of the rings adjacent the lower surface is less than the dopant concentration in an upper portion of the rings adjacent the upper surface.

11. The semiconductor device of Claim 10, wherein the dopant concentration in the upper portion of the rings is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the rings is less than  $1 \times 10^{17}/\text{cm}^3$ .

12. The semiconductor device of Claim 1, wherein the substrate is not covered by the drift layer in an outer peripheral portion of the device.

13. A method of making a semiconductor device comprising:

epitaxially growing a gate layer of p-type semiconductor material on a drift layer of n-type semiconductor material, wherein the gate layer has a lower surface adjacent the drift layer and an upper surface opposite the lower surface, wherein the dopant concentration in the gate layer is increased during epitaxial growth such that the dopant concentration in a lower portion of the gate layer adjacent the lower surface is less than the dopant concentration in an upper portion of the gate layer adjacent the upper surface, and wherein the drift layer is on an n-type semiconductor substrate;

etching through the gate layer to form a plurality of gate regions of p-type semiconductor material each having an upper surface and sidewalls;

depositing a channel layer of n-type semiconductor material between the gate regions in a central portion of the device, wherein the channel layer covers the plurality of regions of p-type semiconductor material in the central portion of the device, and wherein one or more gate regions of p-type semiconductor material are not covered by the channel layer in an inner peripheral portion of the device;

depositing a source layer of n-type semiconductor material on the channel layer;

forming a first ohmic contact on the source layer;

forming a second ohmic contact on one or more gate regions in the inner peripheral portion of the device;

forming a third ohmic contact on the substrate opposite the drift layer; and

depositing a metal layer on each of the first, second and third ohmic contacts.

14. The method of Claim 13, wherein etching through the gate layer to form a plurality of gate regions further comprises etching through the layer of p-type semiconductor material in an outer peripheral portion of the device to form a plurality of rings of p-type semiconductor material circumscribing the central and inner peripheral portions of the device.

15. The method of Claim 13, further comprising etching through the drift layer to expose the substrate in an outer peripheral portion of the device.

16. A semiconductor device comprising:

an n-type semiconductor substrate;

a buffer layer of n-type semiconductor material on the substrate;

a drift layer of n-type semiconductor material on the buffer layer;

a plurality of channel regions of n-type semiconductor material on the drift layer, each of the channel regions having a lower surface adjacent the drift layer, an upper surface opposite the lower surface and sidewalls;

a source layer of n-type semiconductor material on the upper surface of the channel regions;

a first ohmic contact on the source layer;

a gate layer of p-type semiconductor material on the sidewalls of the channel regions and on the surface of the drift layer between the channel regions, the gate layer having a lower surface adjacent the channel regions and drift layer and an upper surface opposite the lower surface, the gate layer having a graded dopant concentration, wherein the dopant concentration in a lower portion of the gate layer adjacent the lower surface is



less than the dopant concentration in an upper portion of the gate layer adjacent the upper surface;

a second ohmic contact on the gate layer between the channel regions in a central portion of the device and on the gate layer adjacent the regions of n-type semiconductor material in an inner peripheral portion of the device;

a dielectric material between and adjacent the plurality of regions of p-type semiconductor material in the central portion of the device, wherein the second ohmic contact is not covered by the dielectric material in the inner peripheral portion of the device;

a third ohmic contact on the substrate opposite the buffer layer;

a metal layer on the first ohmic contact;

a metal layer on the second ohmic contact in the inner peripheral portion of the device; and

a metal layer on the third ohmic contact.

17. The semiconductor device of Claim 16, wherein the buffer layer has a dopant concentration of at least  $1 \times 10^{18}/\text{cm}^3$ .

18. The semiconductor device of Claim 16, wherein the drift layer has a dopant concentration of  $1 \times 10^{14}/\text{cm}^3$  to  $5 \times 10^{16}/\text{cm}^3$  and a thickness of at least 1  $\mu\text{m}$ .

19. The semiconductor device of Claim 16, wherein each of the channel regions has a dopant concentration of  $1 \times 10^{15}/\text{cm}^3$  to  $1 \times 10^{18}/\text{cm}^3$ .

20. The semiconductor device of Claim 16, wherein the source layer has a dopant concentration of at least  $1 \times 10^{19}/\text{cm}^3$ .

21. The semiconductor device of Claim 16, wherein the gate layer has a thickness of at least 0.5  $\mu\text{m}$ , and wherein the dopant concentration in the upper portion of the gate

layer is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the gate layer is less than  $1 \times 10^{17}/\text{cm}^3$ .

22. The semiconductor device of Claim 16, wherein the substrate, the buffer layer, the drift layer, the channel regions, the source layer and the gate layer each comprise SiC.

23. The semiconductor device of Claim 16, further comprising a plurality of rings of p-type semiconductor material on the drift layer in an outer peripheral portion of the device, wherein each of the rings circumscribes the central and inner peripheral portions of the device, wherein the rings have a lower surface adjacent the drift layer and an upper surface opposite the lower surface, and wherein the dopant concentration in a lower portion of the rings adjacent the lower surface is less than the dopant concentration in an upper portion of the rings adjacent the upper surface.

24. The semiconductor device of Claim 23, wherein the dopant concentration in the upper portion of the rings is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the rings is less than  $1 \times 10^{17}/\text{cm}^3$ .

25. The semiconductor device of Claim 16, wherein the substrate is not covered by the buffer layer in an outer peripheral portion of the device.

26. A semiconductor device comprising:

an n-type semiconductor substrate;

a buffer layer of n-type semiconductor material on the substrate;

a drift layer of n-type semiconductor material on the buffer layer;

a plurality of gate regions of p-type semiconductor material on the drift layer, each of the gate regions having a lower surface adjacent the drift layer, an upper surface opposite the lower surface and sidewalls, the gate regions having a graded dopant

concentration wherein the dopant concentration in a lower portion of the gate regions adjacent the lower surface and the dopant concentration in an upper portion of the gate regions adjacent the upper surface is less than the dopant concentration in a central portion of the gate regions between the upper and lower regions;

an isolation layer of n-type semiconductor material on the upper surface of the gate regions;

a source layer of n-type semiconductor material on the isolation layer;

a first ohmic contact on the source layer;

a channel layer of n-type material on the sidewalls of the gate regions;

a gate layer of p-type semiconductor material on the channel layer and on the surface of the drift layer between and adjacent the gate regions, the gate layer having a lower surface adjacent the channel and drift layers and an upper surface opposite the lower surface, the gate layer having a graded dopant concentration wherein the dopant concentration in a lower portion of the gate layer adjacent the lower surface is less than the dopant concentration in an upper portion of the gate layer adjacent the upper surface;

a second ohmic contact on the gate layer between the gate regions and adjacent the gate regions in an inner peripheral portion of the device;

a dielectric material between the gate regions and adjacent the gate regions, wherein the dielectric material covers the second ohmic contact in a central portion of the device and wherein the second ohmic contact is not covered by the dielectric material in the inner peripheral portion of the device;

a third ohmic contact on the substrate opposite the buffer layer;

a metal layer on the first ohmic contact;

a metal layer on the second ohmic contact in the inner peripheral portion of the device; and

a metal layer on the third ohmic contact.

27. The semiconductor device of Claim 26, wherein the buffer layer has a dopant concentration of at least  $1 \times 10^{18}/\text{cm}^3$ .

28. The semiconductor device of Claim 26, wherein the drift layer has a dopant concentration of  $1 \times 10^{14}/\text{cm}^3$  to  $5 \times 10^{16}/\text{cm}^3$  and a thickness of at least 1  $\mu\text{m}$ .

29. The semiconductor device of Claim 26, wherein the channel layer has a dopant concentration of  $1 \times 10^{15}/\text{cm}^3$  to  $1 \times 10^{18}/\text{cm}^3$ .

30. The semiconductor device of Claim 26, wherein the source layer has a dopant concentration of at least  $1 \times 10^{19}/\text{cm}^3$ .

31. The semiconductor device of Claim 26, wherein the gate regions have a thickness of at least 0.5  $\mu\text{m}$ , wherein the dopant concentration in the central portion of the gate regions is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the upper and lower portions of the gate regions is less than  $1 \times 10^{17}/\text{cm}^3$ .

32. The semiconductor device of Claim 26, wherein the gate layer has a thickness of at least 0.5  $\mu\text{m}$  and wherein the dopant concentration in the upper portion of the gate layer is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the gate layer is less than  $1 \times 10^{17}/\text{cm}^3$ .

33. The semiconductor device of Claim 26, wherein the semiconductor material of the substrate, the buffer layer, the drift layer, the channel regions, the source layer and the gate layer comprises SiC.

34. A semiconductor device comprising:

an n-type semiconductor substrate;

a layer of n-type semiconductor material on the substrate;

a layer of p-type semiconductor material having a graded dopant concentration on the layer of n-type semiconductor material on the substrate, the layer of p-type semiconductor material having a lower surface adjacent the layer of n-type semiconductor material and an upper surface opposite the lower surface, wherein the dopant concentration in a lower portion of the layer of p-type semiconductor material adjacent the lower surface is less than the dopant concentration in an upper portion of the layer of p-type semiconductor material adjacent the upper surface;

a first ohmic contact on the upper surface of the layer of p-type semiconductor material;

a second ohmic contact on the substrate opposite the layer of n-type semiconductor material; and

a metal layer on each of the first and second ohmic contacts.

35. The semiconductor device of Claim 34, wherein the layer of n-type semiconductor material on the substrate has a dopant concentration of  $1 \times 10^{14}/\text{cm}^3$  to  $5 \times 10^{16}/\text{cm}^3$ .

36. The semiconductor device of Claim 34, wherein the n-type semiconductor substrate, the layer of n-type semiconductor material on the substrate, and the layer of p-type semiconductor material comprise SiC.

37. The semiconductor device of Claim 34, wherein the dopant concentration in the upper portion of the p-type layer is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the p-type layer is less than  $1 \times 10^{17}/\text{cm}^3$ .

38. The semiconductor device of Claim 34, wherein the substrate has a dopant concentration of at least  $1 \times 10^{19}/\text{cm}^3$ .

39. A method of making a semiconductor device comprising:

epitaxially growing a layer of p-type semiconductor material on a layer of n-type semiconductor material, wherein the layer of p-type semiconductor material has a lower surface adjacent the layer of n-type semiconductor material and an upper surface opposite the lower surface, wherein the dopant concentration in the layer of p-type semiconductor material is increased during epitaxial growth such that the dopant concentration in a lower portion of the layer of p-type semiconductor material adjacent the lower surface is less than the dopant concentration in an upper portion of the layer of p-type semiconductor material adjacent the upper surface, and wherein the layer of n-type semiconductor material is on an n-type semiconductor substrate;

forming a first ohmic contact on the upper surface of the p-type layer;

forming a second ohmic contact on the substrate opposite the layer of n-type semiconductor material; and

forming a metal layer on each of the first and second ohmic contacts.

40. A semiconductor device comprising:

an n-type semiconductor substrate;

a layer of n-type semiconductor material on the substrate;

a plurality of regions of p-type semiconductor material on the layer of n-type semiconductor material, the regions of p-type semiconductor material having a lower surface adjacent the layer of n-type semiconductor material, an upper surface opposite the lower surface and sidewalls, the regions of p-type semiconductor material having a graded dopant concentration wherein the dopant concentration in a lower portion of the regions of p-type semiconductor material adjacent the upper surface is less than the dopant concentration in an upper portion of the regions of p-type semiconductor material adjacent the upper surface;

regions of n-type semiconductor material on the layer of n-type semiconductor material between the plurality of regions of p-type semiconductor material, the regions of n-type semiconductor material having a lower surface adjacent the layer of n-type semiconductor material and an upper surface opposite the lower surface;

a Schottky metal layer on the upper surface of the regions of p-type semiconductor material and on the upper surface of the regions of n-type semiconductor material;

an ohmic contact on the substrate opposite the layer of n-type semiconductor material; and

a metal layer on the ohmic contact.

41. The semiconductor device of Claim 40, wherein the layer of n-type semiconductor material on the substrate has a dopant concentration of  $1 \times 10^{14}/\text{cm}^3$  to  $5 \times 10^{16}/\text{cm}^3$ .

42. The semiconductor device of Claim 40, wherein the n-type semiconductor substrate, the layer of n-type semiconductor material on the substrate, and the plurality of regions of p-type semiconductor material comprise SiC.

43. The semiconductor device of Claim 40, wherein the dopant concentration in the upper portion of the p-type layer is at least  $1 \times 10^{19}/\text{cm}^3$  and wherein the dopant concentration in the lower portion of the p-type layer is less than  $1 \times 10^{17}/\text{cm}^3$ .

44. The semiconductor device of Claim 40, wherein the substrate has a dopant concentration of at least  $1 \times 10^{19}/\text{cm}^3$ .

45. A method of making a semiconductor device comprising:

epitaxially growing a layer of p-type semiconductor material on a layer of n-type semiconductor material, wherein the layer of p-type semiconductor material has a lower

surface adjacent the layer of n-type semiconductor material and an upper surface opposite the lower surface, wherein the dopant concentration in the layer of p-type semiconductor material is increased during epitaxial growth such that the dopant concentration in a lower portion of the layer of p-type semiconductor material adjacent the lower surface is less than the dopant concentration in an upper portion of the layer of p-type semiconductor material adjacent the upper surface, and wherein the layer of n-type semiconductor material is on an n-type semiconductor substrate;

selectively etching through the layer of p-type semiconductor material to form a plurality of regions of p-type semiconductor material each having an upper surface and sidewalls;

depositing n-type semiconductor material between the regions of p-type semiconductor material;

etching the n-type semiconductor material to expose the upper surfaces of the p-type regions of semiconductor material;

forming a Schottky metal layer on exposed surfaces of the p-type regions and on the n-type semiconductor material therebetween;

forming an ohmic contact on the substrate opposite the layer of n-type semiconductor material; and

forming a metal layer on the ohmic contact.

46. The method of Claim 45, wherein the dopant concentration is increased in a stepped manner during epitaxial growth.

47. The method of Claim 45, wherein the dopant concentration is increased continuously during epitaxial growth.



## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

RAIMUND CHRISTOPHER W.

1333 H STREET, NW SUITE 820 WASHINGTON DC  
20005 USA

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **25 JANUARY 2011 (25.01.2011)**

Applicant's or agent's file reference  
17388-75231

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2010/039106**

International filing date (day/month/year)

**18 JUNE 2010 (18.06.2010)**

Priority date(day/month/year)

19 JUNE 2009 (19.06.2009)

International Patent Classification (IPC) or both national classification and IPC

**H01L 29/80(2006.01)I, H01L 21/337(2006.01)I, H01L 29/808(2006.01)I**

Applicant

**SEMISOUTH LABORATORIES, INC. et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion  
25 JANUARY 2011 (25.01.2011)

Authorized officer

Lee, Sang Ho

Telephone No. 82-42-481-8221



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/039106

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039106**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-47	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-47	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-47	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2008-0124853 A1 (CHENG LIN et al.) 29 May 2008  
D2: US 2006-0011924 A1 (MICHAEL MAZZOLA et al.) 19 January 2006

**1. Novelty and Inventive Step**

**1.1 claims 1-12**

The subject matter of claim 1 differs from the disclosure of D1 in that a plurality of gate regions of claim 1 have a graded dopant concentration. As the subject matter of claim 1 is not shown in any other prior art documents cited in the ISR, claim 1 is not anticipated by any of the prior art documents including D1, nor obvious to the person skilled in the art.

Therefore, claim 1 is novel and involves an inventive step under PCT Article 33(2) and (3).

Claims 2-12 which are dependent on claim 1 also meet the requirements of PCT Article 33(2)-(3) with respect to novelty and inventive step.

**1.2 claims 13-15**

Claims 13-15 relate to a method for making the semiconductor device according to claims 1. As the subject matter of claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), Claims 13-15 are considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

**1.3 claims 16-25**

The subject matter of claim 16 differs from the disclosure of D1 in that a gate layer of claim 16 has a graded dopant concentration. As the subject matter of claim 16 is not shown in any other prior art documents cited in the ISR, claim 16 is not anticipated by any of the prior art documents including D1, nor obvious to the person skilled in the art.

Therefore, claim 16 is novel and involves an inventive step under PCT Article 33(2) and (3).

Claims 17-25 which are dependent on claim 16 also meet the requirements of PCT Article 33(2)-(3) with respect to novelty and inventive step.

(Continued on the Supplemental Box.)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/039106

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.  
Continuation of:

Box V.

1.4 claims 26-33

The subject matter of claim 26 differs from the disclosure of D1 in that a plurality of gate regions of claim 26 have a graded dopant concentration. As the subject matter of claim 26 is not shown in any other prior art documents cited in the ISR, claim 26 is not anticipated by any of the prior art documents including D1, nor obvious to the person skilled in the art.  
Therefore, claim 26 is novel and involves an inventive step under PCT Article 33(2) and (3).

Claims 27-33 which are dependent on claim 26 also meet the requirements of PCT Article 33(2)-(3) with respect to novelty and inventive step.

1.5 claims 34-38

The subject matter of claim 34 differs from the disclosure of D1 in that a layer of p-type semiconductor material of claim 34 has a graded dopant concentration. As the subject matter of claim 34 is not shown in any other prior art documents cited in the ISR, claim 34 is not anticipated by any of the prior art documents including D1, nor obvious to the person skilled in the art.  
Therefore, claim 34 is novel and involves an inventive step under PCT Article 33(2) and (3).

Claims 35-38 which are dependent on claim 34 also meet the requirements of PCT Article 33(2)-(3) with respect to novelty and inventive step.

1.6 claims 39

Claim 39 relate to a method for making the semiconductor device according to claims 34.  
As the subject matter of claim 34 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), Claim 39 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

1.7 claims 40-44

The subject matter of claim 40 differs from the disclosure of D1 in that a plurality of regions of p-type semiconductor material of claim 40 have a graded dopant concentration. As the subject matter of claim 40 is not shown in any other prior art documents cited in the ISR, claim 40 is not anticipated by any of the prior art documents including D1, nor obvious to the person skilled in the art.  
Therefore, claim 40 is novel and involves an inventive step under PCT Article 33(2) and (3).

Claims 41-44 which are dependent on claim 40 also meet the requirements of PCT Article 33(2)-(3) with respect to novelty and inventive step.

1.8 claims 45-47

Claims 45-47 relate to a method for making the semiconductor device according to claims 40.  
As the subject matter of claim 40 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), Claims 45-47 are considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-47 have industrial applicability (PCT Article 33(4)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,232	06/18/2010	Lin CHENG	17388/75228	7283

24728	7590	03/23/2011
MORRIS MANNING MARTIN LLP		
3343 PEACHTREE ROAD, NE		
1600 ATLANTA FINANCIAL CENTER		
ATLANTA, GA 30326		

EXAMINER	
GURLEY, LYNNE ANN	

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jxs@mmmlaw.com  
ipdocket@mmmlaw.com  
ppz@mmmlaw.com



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**MORRIS MANNING MARTIN LLP  
3343 PEACHTREE ROAD, NE  
1600 ATLANTA FINANCIAL CENTER  
ATLANTA GA 30326**

**In re Application of  
CHENG et al.**

**Application No.: 12/818,232**

**Filed: 18 June 2010**

**Attorney Docket No.: 17388/75228**

**For: VERTICAL JUNCTION FIELD  
EFFECT TRANSISTORS AND DIODES  
HAVING GRADED DOPED REGIONS  
AND METHODS OF MAKING**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 23 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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**THERESA A. LOBER  
T.A. LOBER PATENT SERVICES  
60 THOREAU STREET  
#215  
CONCORD MA 01742**

**MAILED**

**DEC 12 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
BAYINDIR, et al	:	
Application No. 12/818,233	:	DECISION ON PETITION
Filed: June 18, 2010	:	
Attorney Docket No. MIT11783-DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before November 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 3, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and publication fee of \$300; (2) the petition fee of \$930; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions





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REED SMITH LLP  
2500 ONE LIBERTY PLACE  
1650 MARKET STREET  
PHILADELPHIA PA 19103

**MAILED**  
**APR 12 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Heijmans et al.  
Application No. 12/818,253  
Deposited: June 18, 2010  
Attorney Docket No. 10-40124-US

:  
:  
: ON PETITION  
:  
:

This is in response to the "PETITION UNDER 37 C.F.R. 1.57 (a)" filed February 28, 2010, requesting that the above-referenced application be accorded a filing date of June 18, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on June 18, 2010. However, on December 29, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of June 18, 2010 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to June 18, 2010;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and**
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Charlema Grant at (571) 272-3215.



Christopher Bottorff  
Petition Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **243470\_1** Application Number (if known): **12/818,272** Filing date: **06-18-2010**

First Named Inventor: **Richard DEVOS**

Title: **APPLIANCE WITH AN IMPROVED SOLID STATE DEVICE LIGHTING**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature **/Allison W. Mages/**

Date **12/20/11**

Name (Print/Typed) **Allison W. Mages**

Registration Number **57,275**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Richard DEVOS )  
Confirmation No.: 7374 )  
Serial No.: 12/818272 )  
Filing Date: 06-18-2010 )  
Atty Docket No.: 243470-1 )

VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

The present application generally relates to appliances, and more particularly to an improved lighting system for an appliance. (See [0001])

Solid State Lighting (SSL) is an illumination and lighting technology used in a variety of applications. Appliances, such as refrigerators for example, utilize solid state lighting to provide both external and internal lighting, as well as for the illumination of, and presenting information on displays. (See [0002])

Solid state lighting devices are generally current driven devices. In the applications mentioned above, a constant current electrical supply is maintained and the intensity of the solid state lighting device is stable. However, the high light levels of these solid state lighting devices result in high power supply requirements and power usage. The high light levels and power consumption of these solid state lighting devices also generates large amounts of heat. The increased generation of heat in an appliance such as a refrigerator complicates

thermal management issues, where a goal is to reduce the amount of heat dissipated by the various electrical components. It is thus desirable to be able to reduce heat generation and dissipation in an appliance resulting from the use of electrical and electronic components, such as solid state lighting devices. It would also be advantageous to reduce the energy usage and power consumption costs associated with the use of solid state lighting device lighting, while providing the same or a higher level of perceived light. (See [0003])

One aspect of the exemplary embodiments relates to an appliance. In one embodiment, the appliance includes a cabinet, a solid state lighting device assembly integrated in the cabinet, and a power controller coupled to the solid state lighting device assembly for supplying electrical power to the solid state lighting device assembly. The power controller is configured to provide a pulse modulated power signal to the solid state lighting device assembly. The pulse modulated power signal has a duty cycle, and each solid state lighting device in the solid state lighting device assembly cycles on and off in accordance with the duty cycle of the power signal. (See [0006])

The aspects of the disclosed embodiments take advantage of the principle that the human eye perceives brightness by measuring the instantaneous light intensity of a light source. Applying a duty cycle to the power control signal for SSL devices in an appliance such as a refrigerator, increases the instantaneous power level and perceived brightness of the SSL device, while at the same time reducing the overall power consumption and heat dissipation. (See [0026])

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/  
Allison W. Mages  
Reg. No. 57,275

Dated: December 20, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,272	06/18/2010	Richard DEVOS	243470_1	7374
52082	7590	01/13/2012		
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484				
			EXAMINER DZIERZYNSKI, EVAN P	
			ART UNIT 2875	PAPER NUMBER
			NOTIFICATION DATE 01/13/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.camaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
DEVOS et al.	:	DECISION ON PETITION
Application No. 12/818,272	:	TO MAKE SPECIAL UNDER
Filed: June 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 243470_1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

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Colleen Dunn  
TQAS, TC 2800

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/818,281	Filing date:	June 18, 2010
First Named Inventor:	Lin CHENG		
Title of the Invention:	METHODS OF MAKING VERTICAL JUNCTION FIELD EFFECT TRANSISTORS AND BIPOLAR JUNCTION TRANSISTORS WITHOUT ION IMPLANTATION AND DEVICES MADE THEREWITH		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/039114

**The international filing date of the corresponding PCT application(s) is/are:**  
June 18, 2010

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/818,281
First Named Inventor:	Lin CHENG

☐ **WOLSA, WOLSA, WOLSA**  
Is attached

☒ Has already been filed in the above-identified U.S. application on January 14, 2011

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on **January 14, 2011**

[illegible]

Signature <u>/Christopher W. Raimund/</u>	Date <u>January 28, 2011</u>
Name (Print/Typed) <u>Christopher W. Raimund</u>	Registration Number <u>47,258</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**WHAT IS CLAIMED IS:**

1. A method of making a semiconductor device comprising:

forming a first etch mask on an n-type source layer, wherein the n-type source layer is on an n-type isolation layer, wherein the n-type isolation layer is on a p-type buried gate layer, wherein the p-type buried gate layer is on an n-type drift layer, wherein the n-type drift layer is on an n-type buffer layer and wherein the n-type buffer layer is on an n-type substrate;

selectively etching through the source and isolation layers and into the buried gate layer using the first etch mask to form raised source regions having upper surfaces and sidewalls and exposing buried gate layer adjacent the raised regions;

positioning a second etch mask on exposed buried gate layer in a peripheral portion of the device;

selectively etching through the buried gate layer using the first and second etch masks to expose n-type drift layer adjacent the raised regions thereby forming a region of p-type material in the peripheral portion of the device having an upper surface and sidewalls, wherein the p-type material in the raised source regions is in contact with the region of p-type material in the peripheral portion of the device;

removing the first and second etch masks;

epitaxially growing an n-type channel layer on the upper surfaces and sidewalls of the raised regions, on the exposed surfaces of the drift layer adjacent the raised regions and on the region of p-type material in the peripheral portion of the device;

selectively etching the n-type channel layer to expose the source layer on the upper surfaces of the raised regions, the drift layer adjacent the raised regions and the upper surface of the region of p-type material in the peripheral portion of the device;

epitaxially growing a p-type gate layer on the upper surfaces of the raised regions, on the n-type channel layer on the sidewalls of the raised regions, on the exposed surfaces of the drift layer and on the region of p-type material in the peripheral portion of the device;

filling the etched features with a first planarizing material;

etching the first planarizing material to remove the epitaxially grown p-type gate layer from the upper surfaces of the raised regions;

removing the first planarizing material;

depositing an oxide layer on the sidewalls of the raised regions;

forming ohmic contacts on the upper surfaces of the raised regions, on the epitaxially grown p-type gate layer adjacent the raised regions and on the epitaxially grown p-type gate layer in the peripheral region of the device;

forming an ohmic contact on the substrate layer opposite the buffer layer;

depositing etch mask material on the ohmic contact material on the epitaxially grown p-type gate layer and on the ohmic contact material on the upper surfaces of the raised regions such that epitaxially grown channel and gate layer on the sidewalls of the raised regions is not masked;

filling the etched features with a second planarizing material;

etching the second planarizing material to remove the epitaxially grown p-type gate and n-type channel layers from an upper portion of the sidewalls of the raised regions;

removing the second planarizing material and the etch mask material;

filling the etched features with a third planarizing material;

etching the third planarizing material to expose ohmic contact material on the upper surfaces of the raised regions;

selectively etching through the third planarizing material in the peripheral portion of the device to expose ohmic contact material on the epitaxially grown p-type gate layer;

forming metal contacts on the ohmic contacts on the upper surfaces of the raised regions;

forming a metal contact on the ohmic contact on the epitaxially grown p-type gate layer in the peripheral portion of the device; and

forming a metal contact on the ohmic contact on the substrate layer.

2. The method of Claim 1, wherein the semiconductor material of the source layer, the isolation layer, the buried gate layer, the drift layer, the buffer layer, the substrate, the epitaxially grown channel layer and the epitaxially grown gate layer is a wide-bandgap semiconductor material.

3. The method of Claim 2, wherein the semiconductor material of the source layer, the isolation layer, the buried gate layer, the drift layer, the buffer layer, the substrate, the epitaxially grown channel layer and the epitaxially grown gate layer is SiC.

4. The method of Claim 1, wherein a layer of epitaxial regrowth material is on the source layer, wherein the first etch mask is positioned on the layer of epitaxial regrowth material and wherein selectively etching through the source and isolation layers further comprises selectively etching through the layer of epitaxial regrowth material.

5. The method of Claim 4, wherein the layer of epitaxial regrowth material has a thickness of at least 0.5  $\mu\text{m}$ .

6. The method of Claim 4, wherein the epitaxial regrowth material comprises C or TaC.

7. The method of Claim 1, wherein the region of p-type material in the peripheral portion of the device has a thickness of 0.4 to 0.6  $\mu\text{m}$ .

8. The method of Claim 1, wherein forming ohmic contacts comprises depositing a silicide layer on a layer of semiconductor material and annealing to react the silicide layer with the semiconductor material.

9. The method of Claim 6, wherein the ohmic contacts on the upper surfaces of the raised regions, on the epitaxially grown p-type gate layer adjacent the raised regions and on the epitaxially grown p-type gate layer in the peripheral region of the device are formed using a self-aligned silicide process.

10. The method of Claim 1, further comprising:  
epitaxially growing the buffer layer on the substrate;  
epitaxially growing the drift layer on the buffer layer;  
epitaxially growing the buried gate layer on the drift layer;  
epitaxially growing the isolation layer on the buried gate layer; and  
epitaxially growing the source layer on the isolation layer;  
before forming the first etch mask on the source layer.

11. A semiconductor device made by the method of Claim 1.

12. The device of Claim 11, wherein the source layer has a thickness of 0.4 to 0.6  $\mu\text{m}$  and a dopant concentration greater than  $1 \times 10^{19}/\text{cm}^3$ , the isolation layer has a thickness greater than 0.5  $\mu\text{m}$  and a dopant concentration of  $1 \times 10^{15} - 1 \times 10^{17}/\text{cm}^3$ , the buried gate layer has a thickness greater than 1  $\mu\text{m}$  and a dopant concentration greater than  $1 \times 10^{19}/\text{cm}^3$ , the drift layer has a thickness greater than 0.5  $\mu\text{m}$  and a dopant concentration of  $1 \times 10^{15} - 5 \times 10^{15}/\text{cm}^3$ , the buffer layer has a thickness of 0.4 to 0.6  $\mu\text{m}$  and a dopant concentration greater than  $1 \times 10^{19}/\text{cm}^3$ , the epitaxially grown p-type gate layer has a thickness greater than 0.2  $\mu\text{m}$  and a dopant concentration greater than  $1 \times 10^{19}/\text{cm}^3$  and the substrate layer has a dopant concentration greater than  $5 \times 10^{18}/\text{cm}^3$ .



13. The device of Claim 11, wherein the semiconductor material of the source layer, the isolation layer, the buried gate layer, the drift layer, the buffer layer, the substrate, the epitaxially grown channel layer and the epitaxially grown gate layer is a wide-bandgap semiconductor material.

14. The device of Claim 13, wherein the semiconductor material of the source layer, the isolation layer, the buried gate layer, the drift layer, the buffer layer, the substrate, the epitaxially grown channel layer and the epitaxially grown gate layer is SiC.

15. A circuit comprising one or more semiconductor devices as set forth in Claim 11.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

RAIMUND CHRISTOPHER W.

1333 H STREET, NW SUITE 820 WASHINGTON DC  
20005 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **06 JANUARY 2011 (06.01.2011)**

Applicant's or agent's file reference  
17388-75229

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2010/039114**

International filing date (day/month/year)

**18 JUNE 2010 (18.06.2010)**

Priority date(day/month/year)

19 JUNE 2009 (19.06.2009)

International Patent Classification (IPC) or both national classification and IPC

**H01L 29/73(2006.01)i, H01L 21/311(2006.01)i, H01L 29/732(2006.01)i**

Applicant

**SEMISOUTH LABORATORIES, INC. et al**

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

06 JANUARY 2011 (06.01.2011)

Authorized officer

KWON, Yongkyong

Telephone No. 82-42-481-5800



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
**PCT/US2010/039114**

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. a sequence listing filed or furnished
    - ☐ on paper
    - ☐ in electronic form
  - b. time of filing or furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039114**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-15	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-15	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: KR 10-2007-0062969 A (SEMISOUTH LABORATORIES, INC. et al.) 18 June 2007  
D2: WO 2007-018578 A2 (SEMISOUTH LABORATORIES, INC. et al.) 15 February 2007  
D3: US 6278143 B1 (EJIRI; HIROKAZU) 21 August 2001

**2.1. Novelty and Inventive Step**

**2.1.1 Claims 1-10**

The subject matter of claim 1 differs from the prior art documents D1-D3 in that a method of making a semiconductor device as vertical junction field effect transistors having an epitaxially regrown n-type channel layer and p-type gate layer and an epitaxially grown buried gate layer without ion implantation. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

**2.1.2 Claims 11-15**

Claims 11 and 15 relates to a semiconductor device made by the method of claim 1 or a circuit comprising the semiconductor device according to claim 11. Claim 11 and 15 are considered to be novel and to involve an inventive step under PCT Article 33(2) and (3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Claims 12-14 depend on claim 11 and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

**2.2. Industrial Applicability**

Claims 1-15 are industrially applicable under PCT Article 33(4).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,281	06/18/2010	Lin CHENG	17388/75230	7398
24728 7590 03/02/2011 MORRIS MANNING MARTIN LLP 3343 PEACHTREE ROAD, NE 1600 ATLANTA FINANCIAL CENTER ATLANTA, GA 30326			EXAMINER	
			ART UNIT	PAPER NUMBER
			2811	
			NOTIFICATION DATE	DELIVERY MODE
			03/02/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jxs@mmmlaw.com  
ipdocket@mmmlaw.com  
ppz@mmmlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MORRIS MANNING MARTIN LLP  
3343 PEACHTREE ROAD, NE  
1600 ATLANTA FINANCIAL CENTER  
ATLANTA GA 30326**

**In re Application of  
Lin CHENG  
Application No.: 12/818,281  
Filed: 18 June 2010  
Attorney Docket No.: 17388/75230  
For: METHODS OF MAKING  
VERTICAL JUNCTION FIELD  
EFFECT TRANSISTORS...**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 28 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

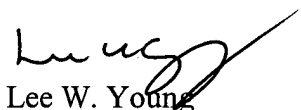
(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Kevin Kinzie )  
Confirmation No.: 7480 )  
Serial No.: 12/818,315 )  
Filing Date: 06-18-2010 )  
Atty Docket No.: 234891-5 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 6, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0551-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 234891-5

Application Number  
(if known): 12/818315

Filing date: 06-18-2010

First Named  
Inventor: Kevin Kinzie

Title: METHOD AND APPARATUS FOR CONTROLLING NOISE LEVELS OF A TURBINE WITH MINIMAL LOSS IN ENERGY YIELD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 01-06-2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,315	06/18/2010	Kevin KINZIE	234891/25229-0037-C1	7480

77749 7590 01/12/2011  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

EXAMINER
----------

PONOMARENKO, NICHOLAS

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
01/12/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg PA 17108-1166

In re Application of	:	
KINZIE et al.	:	DECISION ON PETITION
Application No. 12/818,315	:	TO MAKE SPECIAL UNDER
Filed: June 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 234891/25229-0037-C1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 07, 2011 and renewed on December 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 7.

In regard to item 7, the petition was not filed at least one day prior to the first Office Action. The petition was filed on January 07, 2011 and the first Office Action was mailed the same day. Since this condition cannot be overcome, the petition is denied.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NORTON ROSE CANADA, LLP  
1, PLACE VILLE MARIE  
SUITE 2500  
MONTREAL QC H3B 1R1 CA  
CANADA

**MAILED**  
**MAR 05 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Eran Plomski, et al.  
Application No. 12/818,321  
Filed: June 18, 2010  
Attorney Docket No. 05202541-25US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Application No. 12/818,321

Page 2

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

All future communications from the Office will continue to be directed to the address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: PHOSTER INDUSTRIES  
8509 PLACE DEVONSHIRE  
MONT-ROYAL, QC H4P 2K1 CA  
CANADA



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NORTON ROSE CANADA, LLP  
1, PLACE VILLE MARIE  
SUITE 2500  
MONTREAL QC H3B 1R1 CA  
CANADA

**MAILED**  
**MAR 05 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	
Eran Plomski, et al.	:	
Application No. 12/818,324	:	DECISION ON PETITION
Filed: June 18, 2010	:	TO WITHDRAW
Attorney Docket No. 05202541-24US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

All future communications from the Office will continue to be directed to the address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: PHOSTER INDUSTRIES  
8509 PLACE DEVONSHIRE  
MONT-ROYAL, QC H4P 2K1 CA  
CANADA



Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/818,329	Confirmation Number	7505	Filing Date	2010-06-18
Attorney Docket Number (optional)	PNW-159US	Art Unit	3693	Examiner	James Kramer
First Named Inventor	Michael Alan Kahan				
Title of Invention	METHOD AND SYSTEM FOR TRADING FINANCIAL ASSETS				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Ralph	Bruce	Ferguson			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Christopher Dervishian/		Date (YYYY-MM-DD)	2011-06-17	
Name	Christopher Dervishian		Registration Number	42480	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
MICHAEL ALAN KAHAN

Application No. 12818329

Filed: June 18, 2010

Attorney Docket No. PNW-159US

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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**DOWELL BAKER, P.C.**  
**201 MAIN STREET, SUITE 710**  
**LAFAYETTE, IN 47901**

**MAILED**

**MAR 21 2011**

**OFFICE OF PETITIONS**

In re Application of

**Goerge A. HOLMES**

Application No. 12/818,344

Filed: June 18, 2010

Attorney Docket No. **CDL09-007**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **DOWELL BAKER, P.C.** has been revoked by the assignee of the patent application on March 9, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

cc: **CLIFFORD H. KRAFT**  
**320 ROBIN HILL DRIVE**  
**NAPERVILLE, IL 60540**



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Decision Date : February 13, 2012

In re Application of :

Chi-Chih Chu

Application No : 12818422

Filed : 18-Jun-2010

Attorney Docket No : ASEG-069/00US 307632-2103

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Advanced Semiconductor Engineering, Inc.  
Name2 c/o Foley & Lardner  
Address 1 975 Page Mill Road  
Address 2  
City Palo Alto  
State CA  
Postal Code 94304  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12818422	
Filing Date	18-Jun-2010	
First Named Inventor	Chi-Chih Chu	
Art Unit	2813	
Examiner Name	VICKI BOOKER	
Attorney Docket Number	ASEG-069/00US 307632-2103	
Title	Semiconductor Package	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		58249 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner	
Address	975 Page Mill Road	
City	Palo Alto	
State	CA	
Postal Code	94304	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,454	06/18/2010	Kasegn D. Tekletsadik	2009-059	7764
77354 7590 08/11/2010 Niels, Lemack & Frame, LLC 176 E. MAIN STREET SUITE 5 WESTBOROUGH, MA 01581				
EXAMINER				
ART UNIT			PAPER NUMBER	
2836				
NOTIFICATION DATE			DELIVERY MODE	
08/11/2010			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ROB.FRAME@IPLAWBOUTIQUE.COM  
constance.ouellette@vsea.com  
scott.faber@vsea.com





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Alexandria, VA 22313-1450  
www.uspto.gov

Nields, Lemack & Frame, LLC  
176 E. MAIN STREET  
SUITE 5  
WESTBOROUGH MA 01581

In re Application of  
TEKLETSADIK et al.  
Application No. 12/818,454  
Filed: 18 June 2010  
Attorney Docket No. 2009-059

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 20 January 2010 and renewed on 25 May 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is DENIED.


A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

The instant application was filed 18 June 2010 and is therefore not eligible for the Pilot. Since this condition cannot be overcome, the petition is Denied.

The instant application has not been accorded "special" status.

Any confusion over the earlier decisions is deeply regretted. Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

  
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Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800